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# CHAPTER 1

## GENERAL PROVISIONS

### **SECTION 1.100      HOW CODE DESIGNATED AND CITED**

The ordinances embraced in this and the following chapters shall constitute and be designated the “Code of Ordinances, 1995 Edition, City of Round Rock, Texas,” and may be so cited.

### **SECTION 1.200      CATCHLINES OF SECTIONS**

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines are amended or reenacted.

### **SECTION 1.300      DEFINITIONS AND RULES OF CONSTRUCTION**

In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

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**CHAPTER.** Whenever the words “this ordinance”, “section”, “subsection”, “paragraph”, or “article” are used, they shall pertain to the chapter or section of this Code of Ordinances in which they are found unless specifically and clearly in reference to a separate chapter or section.

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**CITY.** The words “the city” or “this city” shall mean the City of Round Rock in the County of Williamson, and the State of Texas.

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**CITY COUNCIL.** Whenever the words “City council”, or “the council”, or “governing body” are used, they shall mean the city council of Round Rock in the County of Williamson, and the State of Texas.

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**MALES AND FEMALES.** Throughout this Code, words used expressing masculine gender shall be construed to include the feminine.

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**PERSON.** Whenever the word “person” or its plural form are used in this Code, it shall mean any person, firm, corporation, partnership, association of persons, owner, agent, or occupant.

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**PUBLIC PLACE.** Whenever the word “public place” is used in this Code, unless otherwise specifically defined, it shall mean any public road, street, alley, park, building, or other property of the city or any other place to which people commonly resort for the purpose of business, recreation, or amusement.

V.A.C.S. Vernon's Annotated Civil Statutes of Texas.

V.T.C.A. Vernon's Texas Codes Annotated.

## **SECTION 1.400            AMENDMENTS OR ADDITIONS TO CODE**

All ordinances passed subsequent to the adoption of this Code, which amend, repeal, or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code, and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.

Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

“That Chapter \_\_\_\_\_, Section \_\_\_\_\_, of the Code of Ordinances, City of Round Rock, Texas, is hereby amended to read as follows. . .”

The new provisions shall then be set out in full as desired.

In the event of a new section not heretofore existing in the Code is to be added, the following language shall be used:

“That Chapter \_\_\_\_\_ of the Code of Ordinances, City of Round Rock, Texas, is hereby amended by adding a section, to be numbered Section I which said section shall read as follows. . .”

The new section shall then be set out in full as desired.

In the event it is desired to delete a section from the Code of Ordinances, the following language shall be used:

“That Chapter \_\_\_\_\_, Section \_\_\_\_\_, of the Code of Ordinances, City of Round Rock, Texas, is hereby deleted from said Code of Ordinances.

## **SECTION 1.500            SEVERABILITY OF PARTS OF CODE**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of

this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Provision for inclusion of Sections 1.100 through 1.500 provided by Ordinance adopting 1990 Edition of Code of Ordinances)

## **SECTION 1.600        PENALTIES FOR VIOLATIONS OF CODE**

### **1.601    FIRE SAFETY, ZONING AND PUBLIC HEALTH AND SANITATION**

Whenever in this Code or in any ordinance, rule or police regulation relating to fire safety, zoning and public health and sanitation including dumping and refuse, an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or wherever in said Code the doing of such act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of such provision of said Code or any such ordinance shall be punished by a fine not exceeding two thousand dollars (\$2,000.00).

### **1.602    OTHER ORDINANCES**

The violation of all other ordinances, rules or police regulations shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00).

(Ordinance No. 2297 of September 10, 1987)

### **1.603    PENALTIES SAME AS STATE LAW; EACH DAY SEPARATE OFFENSE**

No penalty in sections 1.601 and 1.602 above shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(Ordinance No. 2072 of November 10, 1983)

### **1.604    OTHER LEGAL REMEDIES**

No conviction or convictions under the penal provision of this Code or state law, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the City of Round Rock, Texas, to enforce the application and provisions of this Code by virtue of the Constitution and laws of the State of Texas.

(Ordinance No. 2188 of August 22, 1985)

**SECTION 1.700      PROPERTY TAX****1.701    HOMESTEAD TAX EXEMPTION FOR THE  
ELDERLY AND FOR THE DISABLED****(1)      HOMESTEAD TAX EXEMPTION FOR THE ELDERLY**

From and after January 1, 1994, twenty-two thousand dollars (\$22,000.00) of the assessed value of residence homesteads as defined by law of persons who have attained the age of sixty-five (65) years of age, on or before January 1st of the year for which the exemption is claimed, shall be exempted from city ad valorem tax; provided, however, that where the ad valorem tax has heretofore been pledged for the payment of any debt, the taxing officers of the city shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(Ordinance No. 796 of April 9, 1981 as amended by Ordinance No. G-94-06-23-8A of June 23, 1994)

**(2)      HOMESTEAD TAX EXEMPTION FOR THE DISABLED**

(a) From and after January 1, 1981, three thousand dollars (\$3,000.00) of the assessed value of residence homesteads as defined by law of an individual who is disabled on or before January 1st of the year for which the exemption is claimed shall be exempted from city ad valorem tax; provided, however, that where the ad valorem tax has heretofore been pledged for the payment of any debt, the taxing officers of the city shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(b) As used herein, the term disabled shall be defined by Section 11.13(m) of the Property Tax Code and any amendments thereto.

**(3)      MAXIMUM HOMESTEAD TAX EXEMPTION**

In no event shall the tax exemption on any residence homestead exceed twenty-two thousand dollars (\$22,000.00).

(Ordinance No. 796 of April 9, 1981 as amended by Ordinance No. G-94-06-23-8A of June 23, 1994)

1.702 COLLECTION OF TAXES

- (1) All taxes due the city shall be payable to the city tax collector on receipt of the tax bill and shall be considered delinquent if not paid before February 1 of the year following the year in which imposed. Delinquent taxes shall be subject to all penalties provided for in Section 33.01 of the Tax Code.
- (2) The city may contract with any competent attorney to represent the city to enforce the collection of delinquent taxes in accordance with Section 6.30 of the Tax Code.
  - (a) If the city has entered into a contract for enforcement and collection of delinquent taxes in accordance with Section 6.30 of the Tax Code, an additional penalty on delinquent taxes to defray costs of collection shall be imposed in accordance with Section 33.07 of the Tax Code.
  - (b) The amount of the additional penalty assessed to defray cost of collection shall not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of delinquent taxes, which shall be set in accordance with Section 6.30(c) of the Tax Code, as amended.

(Ordinance No. G-07-11-08-9C4 of November 8, 2007)

1.703 GOODS IN TRANSIT

Goods-in-transit, as defined in Tex. Tax Code 11.253(a)(2), as amended by House Bill 621, enacted by the 80<sup>th</sup> Texas Legislature in Regular Session, shall remain subject to taxation.

(Ordinance No. G-07-10-25-10D2 as of October 25, 2007)

1.704 TAX ABATEMENT GUIDELINES AND CRITERIA GOVERNING  
REINVESTMENT ZONES AND TAX ABATEMENT AGREEMENTS

- (1) Authorization of Abatement
  - (a) Economic Qualifications. In order for the owner of property within a reinvestment zone to be eligible to receive tax abatement, the owner must show that the planned project will benefit the City in some or all the following six categories:
    - (i) primary and non-primary jobs;
    - (ii) improvements to real property and/or investment in personal property;
    - (iii) sales tax;

- (iv) employee payroll;
- (v) diversity in the economic base; and
- (vi) synergy for additional economic development and/or intangible benefits to the City.

The planned project will be awarded points in the aforesaid categories to determine whether or not it is eligible for consideration for an abatement and what level of abatement is available. The criteria for awarding points and the various levels of tax abatement available are shown in subsections (7), (8) and (9).

- (b) Creation of New Value. Abatement may be granted for real property in each year covered by an agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed. Abatement may be granted for tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the City and other than inventory and supplies.
  - (c) Agricultural Exemptions Denied. No tax abatement shall be granted for any real property unless and until full market value taxes have been paid for five years prior to the execution of a tax abatement agreement.
  - (d) Industrial Districts. No tax abatement shall be granted for any property included in an Industrial District.
  - (e) Eligible Property. Tax abatement agreements may exempt from taxation a portion of the value of the real property and/or of tangible personal property located on the real property, or other property, as provided by Section 312 of the Tax Code.
  - (f) Owned/Leased Facilities. If a leased facility is granted an abatement, the tax abatement agreement shall be signed by both the lessor and the lessee.
  - (g) Value and Term of Abatement. Abatement shall be granted effective on January 1 of the year following the date of execution of the tax abatement agreement. The percentage of the increase abated shall be specified in each tax abatement agreement, however, no tax abatement agreement shall exceed ten (10) years.
- (2) For the purposes of this section, the following terms shall have the meanings stated herein:

Primary Job means a job that is available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets infusing new dollars into the local economy.

Synergism means that a business will have a mutually advantageous compatibility with other businesses in the City.

Intangibles means that a business will provide indirect, but important benefits to the City such as name recognition, tourism promotion, etc.

(3) Public Hearing and Approval

- (a) Prior to entering into any tax abatement agreement, the City may, at its option, hold a public hearing at which interested persons shall be entitled to speak for or against the approval of the tax abatement agreement.
- (b) Before approving any tax abatement agreement, the City must find that the terms of the proposed agreement meet these Guidelines and Criteria and that:
  - (i) there will be no substantial adverse affect on the provision of city services or on its tax base; and
  - (ii) the planned use of the property will not constitute a hazard to public safety, health, or welfare.

(4) Agreement

In addition to the specific requirement of Section 312.205, Tax Code, the tax abatement agreement shall include the following:

- (a) an estimated increase to be abated and the current assessed value of property;
- (b) a percent of increase to be abated each year;
- (c) a commencement and expiration date of abatement;
- (d) a proposed use of improvement, nature of construction, time schedule, map, and property description; and
- (e) if the tax abatement is requested for a commercial or industrial project, the projected number of primary and non-primary jobs created per year for the life of the tax abatement agreement.

(5) Assignment

- (a) Tax abatement agreements may be assigned to a new owner or lessee of the improvements with the written consent of the City of Round Rock. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all duties and obligations of the assignor as set out in the agreement. No assignment shall be approved if the assignor or assignee are indebted to the City for ad valorem taxes or other obligations.

(6) Amendments to Guidelines

These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two (2) years, at which time all Reinvestment Zones and tax abatement agreements created pursuant to its provisions will be reviewed by the City to determine whether the goals have been achieved.

(7) Criteria for Eligibility for Tax Abatement for New Business

	<u>Category</u>	<u>Points</u>	<u>Maximum Points</u>
(a)	Primary Jobs	1 point per 2 jobs	
	Non-primary Jobs	1 point per 3 jobs	n/a
(b)	(i) Improvements to Real Property	1 point per \$100,000 of new improvements to real property	n/a
	(ii) Investment in Personal Property	1 point per \$200,000 of new investment in personal property	n/a
(c)	Projected Sales Tax	1 point per \$500,000 in annual taxable sales	n/a
(d)	Payroll	1 point per \$60,000 in annual payroll	
(e)	Economic Diversity	1 <sup>st</sup> business of its type	50
		2 <sup>nd</sup> business of its type	25
		3 <sup>rd</sup> business of its type	10
(f)	Synergism/Intangibles	To be determined by City	200

(8) Criteria for Eligibility for Tax Abatement for Existing Business

	<u>Category</u>	<u>Points</u>	<u>Maximum Points</u>
(a)	Existing Primary Jobs	1 point per 4 jobs	n/a
	Existing Non-primary Jobs	1 point per 6 jobs	n/a
	New Primary Jobs	1 point per 2 jobs	n/a
	New Non-primary Jobs	1 point per 3 jobs	n/a
(b)	(i) Improvements to Real Property	1 point per \$100,000 of new improvements to real property	n/a
	(ii) Investment in Personal Property	1 point per \$200,000 of new investment in personal property	n/a
(c)	Additional Projected Sales Tax	1 point per \$500,000 in additional annual taxable sales	n/a

(d)	Payroll	1 point per \$60,000 in additional annual payroll	n/a
		1 point per \$120,000 in existing annual payroll	n/a
(e)	Synergism/Intangibles	To be determined by City	200

(9) Standard Abatement Offer

In order to receive an abatement, an applicant must score at least 175 points from the list of criteria.

The standard abatement offer is 1% of abatement for each point scored. An abatement of 200% or less will be spread over three years. An abatement of between 200% and 500% will be spread over at least five years. An abatement of more than 500% will be spread over between a minimum of five years, but no more than ten years. The following are examples of typical abatement offers for the three levels of scores:

Example 1: 175 points

Year 1 =	100%
Year 2 =	50%
Year 3 =	<u>25%</u>
TOTAL	175%

Example 2: 450 points

Year 1 =	100%
Year 2 =	100%
Year 3 =	100%
Year 4 =	75%
Year 5 =	<u>75%</u>
TOTAL	450%

Example 3: 650 points

Year 1 =	100%
Year 2 =	100%
Year 3 =	100%
Year 4 =	75%
Year 5 =	75%
Year 6 =	75%
Year 7 =	75%
Year 8 =	<u>50%</u>
TOTAL	650%

(Ordinance No. G-04-02-26-7B1 of February 26, 2004 as amended by Ordinance No. G-06-03-09-8B1 of March 9, 2006)

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**SECTION 1.800        ALCOHOLIC BEVERAGES****1.801    PERMIT AND/OR LICENSE FEE REQUIRED**

- (1)     The City of Round Rock shall levy and collect one-half ( $\frac{1}{2}$ ) of the state fee collected for each permit issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.
- (2)     The City of Round Rock shall levy and collect one-half ( $\frac{1}{2}$ ) of the state fee for each license, except a temporary or agent's beer license, issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.

**1.802    SELLING OF ALCOHOLIC BEVERAGES  
RESTRICTED TO CERTAIN HOURS**

Any person, firm, or corporation authorized to offer for sale alcoholic beverages within the city limits of Round Rock will do so only during the hours authorized under the Alcoholic Beverage Code.

1.803 SALE OF ALCOHOLIC BEVERAGES WITHIN THREE HUNDRED  
(300) FEET OF A CHURCH, PUBLIC SCHOOL, OR PUBLIC  
HOSPITAL PROHIBITED

- (1) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be from the nearest property line of the public school to the nearest doorway by which the public may enter the place of business, along street lines and in direct line across intersections.
- (3) For any permit or license covering a premise where minors are prohibited from entering the premises under the Texas Alcoholic Beverage Code, Section 109.53, the measurement of the distance between the premises and a public School shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(Ordinance No. 2073 of November 10, 1983)

- (4) Except as provided in paragraph (5) below, the sale of alcoholic beverages within three hundred (300) feet of a church, public school, or public hospital as determined by measurements prescribed in this section is prohibited.
- (5) Where the church, public school, or public hospital is located within a commercial zoning district, no separation from places of business where alcoholic beverages are sold shall be required.

(Ordinance No. 2492 of July 26, 1990)

1.804 VARIANCES

The city council of the City of Round Rock may allow variances to the provisions of subsection 1.803 above, if the council determines that enforcement of that subsection is not in the best interest of the public, constitutes waste or inefficient use of the land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council of the City of Round Rock, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(Ordinance No. 2073 of November 10, 1983)

1.805 UNLAWFUL TO DRINK OR POSSESS INTOXICATING  
LIQUORS WITHIN CERTAIN AREAS

(1) Ball Fields

It shall be unlawful for any person, firm or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city owned or operated baseball or softball field while a person or persons of non-drinking age are participating in organized league play.

(Ordinance No. 592 of April 12, 1979)

(2) Swimming Pool Areas

Except as provided herein, it shall be unlawful for any person, firm, or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city owned and operated swimming pool area. The foregoing prohibition shall not apply to any swimming pool owned by the city, but operated or managed by a third party under contract with the city.

(Ordinance No. 2494 of July 26, 1990)

(3) Park Areas; Permits

It shall be unlawful for any person, firm or corporation to sell any alcoholic or intoxicating beverage in any city owned or operated park without first obtaining a permit therefore from the chief of police. The decision of the chief of police to grant or deny any such permit shall be appealable to the city council.

(Ordinance No. 592 of April 12, 1979)

**SECTION 1.900        STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE  
FOR CITY OFFICIALS**

1.901 POLICY

- (1) It is the policy of the city that the proper operation of democratic government requires that city officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government in recognition of these goals, a code of ethics for all city officials and employees is adopted.
- (2) This code of ethics has four purposes: (1) to encourage high ethical standards in official conduct by city officials and employees; (2) to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those

acts or actions that are incompatible with the best interests of the city; (3) to require disclosure by such officials, candidates, and employees of private financial or other interests in matters affecting the city; and (4) to serve as a basis for disciplining those who fail to abide by its terms.

- (3) The provisions of this section shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns, or the conduct of candidates in such campaigns, except as expressly provided herein.

## 1.902 DEFINITIONS

Appears Before. A person appears before the city council or commission when such person publicly states his name and address, signs a sheet provided at the podium for that purpose, and addresses the council or commission.

Appointee. Persons appointed or confirmed by the mayor or city council; provided however for the purposes of this definition, the term “appointee” does not include Municipal Judges.

Business Entity. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

Business Dealings. Any activity involving the exchange of economic benefits.

Candidate. Every person who declares for or files for any office of the city to be filled by election.

City Official. The mayor, every member of the city council, the city manager, the assistant city manager, the communications director, the public affairs & business development director, the city attorney, the city secretary, the planning director, the chief financial officer, the finance director, the library director, the police chief, the fire chief, the parks and recreation department director, the human resources director, the chief of operations, the director of public works,, and persons acting in the capacity of the aforementioned city officials, appointees, or employees.

Compensation. Any economic benefit received in return for labor, services, property, or investment.

Economic Benefit. Any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Employee. Any person employed by the city whether under civil service regulations or not, including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.

Family Member. The spouse, parent or child, and the parents of a spouse, city official, appointee, or city employee.

Gift. A favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust established by a spouse or ancestor.

Identification. For a natural person, the person's name, street address, city and state; for any entity other than a natural person, the name, address, city and state of the entity's principal location or place of business, the type or nature of the entity, the date on which it came into existence, the state of incorporation, if any, and the names of the partners or trustees, if any.

Income. Economic benefit received.

Intentionally. A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

Knowingly. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Pecuniary Gain. Any use, benefit or thing of value that can be valued in money.

Source of Income. Any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a city official, candidate or family member or which would be taxable to said city official, candidate or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.

Substantial Interest. A person has a substantial interest in a business entity if he and/or a family member (a) owns ten percent (10%) or more of the voting stock or shares of the business entity; (b) owns ten percent (10%) or more or \$15,000 or more of the fair market value of the business entity; or (c) funds received from the business entity exceed ten percent (10%) or more of the person's gross income for the previous year. A person has a substantial interest in real property if he, his parent or child, or if married his spouse or his spouse's parent, controls or has an interest in the property and the interest has a market value of \$2,500.00 or more.

## 1.903 STANDARDS OF CONDUCT

### (1) Gifts

No city official, appointee, or employee shall intentionally or knowingly solicit or accept any contribution, gift, or economic benefit with actual or constructive knowledge that same is:

- (a) offered or given with intent to influence the judgment or discretion of such employee or official; or
- (b) given in consideration of the favorable exercise of such employee or official's judgment or discretion in the past.

(2) General Provisions

- (a) No city official, appointee, or employee shall intentionally or knowingly disclose any confidential information gained by reason of said official or employee's position concerning the property, operations, policies or affairs of the city, or use such confidential information for the pecuniary gain of said official, employee, or others.
- (b) No city official, appointee, or employee shall intentionally or knowingly use one's official position or city owned facilities, equipment, or supplies for the pecuniary gain or advantage of said official, employee, or others, or use city owned vehicles, printing facilities, postage facilities or long distance telephone service for personal reasons, for pecuniary gain or advantage, or in any political campaign.
- (c) Except as otherwise specifically authorized by ordinance, no city official or appointee shall intentionally or knowingly appear before the body of which the official is a member while representing himself, or any other person, group, association, interest, or business entity.
- (d) No city official or employee shall intentionally or knowingly represent directly or indirectly any private person, group, or interest other than himself or a family member before any department, agency, commission or board of the City for economic benefit or pecuniary gain.
- (e) No city official, appointee, or employee shall vote on or participate in any decision making process if the official or employee has a direct financial interest in the outcome of the matter under consideration. No city official, appointee, or employee shall vote on or participate in any decision making process on any matter concerning real property or a business entity if the city official, appointee, or employee has a substantial interest in the business entity or real property.
- (f) No city official or employee shall intentionally or knowingly accept other employment or engage in out side activities incompatible with the full and pro per discharge of official duties and responsibilities, or which would tend to impair independent judgment in the performance of said official duties.
- (g) None of the foregoing shall be construed to prohibit any city official, appointee, or employee from representing his interest in his owner-occupied homestead before the council, board, commission or any department except for the body of which the official is a member, or the department by which the employee is employed.

- (h) In any action or proceeding in the municipal court of the City which was instituted by a city official or employee in the course of official duties, no city official shall knowingly represent anyone other than himself or a family member. If a council member elects to have a trial in municipal court, the City Council, without the participation of the affected council member, shall appoint a special judge to preside over the trial.
- (i) No city official shall act as a surety for any person or business entity that has any contract with the City, or on any bond required by the City for any city official or employee.

#### 1.904 DISCLOSURE OF INTEREST

- (1) If any city official or appointee has a substantial interest in any real property or business entity involved in any decision pending before the body of which the city official or appointee is a member, the city official or appointee shall not vote or otherwise participate in the consideration of the matter.
- (2) If any employee has a substantial interest in any real property or business entity involved in any decision pending before the department by which the employee is employed, the employee shall not participate in the consideration of the matter.
- (3) In the case of a city official or appointee, the city official or appointee shall publicly disclose, verbally or in writing, the nature and extent of such interest to the body on which the city official or appointee serves prior to any discussion or determination of the matter to be considered or immediately upon discovery of the conflict of interest. The statement of disclosure shall be included in the official minutes of the body.
- (4) In the case of an employee, the employee shall disclose such information in writing to the employee's supervisor and to the city secretary prior to any consideration of the matter. The city secretary shall keep a file of employee statements of disclosure and said file shall be a public record of the City.

#### 1.905 FINANCIAL DISCLOSURE

- (1) No later than April 30th of each year, each city official shall file a sworn financial disclosure statement with the city secretary reflecting the financial situation of the city official as of December 31st of the previous year. Notwithstanding any other term or provision of this Section, as used in this subsection:
  - (a) the term "family member" shall include only the city official, and the spouse and the minor children of the city official;
  - (b) the term "substantial interest" shall include only the interests of the city official, the spouse and minor children of the city official; and

- (c) the annual financial disclosure statement shall not include the assets or property of any person other than those of the city official, the spouse and minor children of the city official.
- (2) A newly employed or appointed city official shall file a sworn financial disclosure statement with the city secretary within thirty (30) days from the date the position with the city is assumed. Said statement shall reflect the financial situation as of date of employment or appointment and for the previous twelve (12) months, provided, however, such city official shall not be required to include in such statement the requirements of paragraphs (4) (f), (g), and (h) of this subsection.
- (3) Each candidate shall file a sworn financial disclosure statement with the city secretary within fifteen (15) days of filing for office, reflecting the financial situation of the candidate as of December 31st of the year previous to the election date.
- (4) Each person required to file a financial disclosure statement shall do so on a form supplied by the city which shall include the following information:
  - (a) The person's name, residence address, business address, telephone number, name of all family members and all names under which the person or family member does business.
  - (b) Identification by street address, and legal description of all real property located within the city or its extraterritorial jurisdiction in which the person has a substantial interest.
  - (c) Identification of each business entity owning property or doing business within the city or its extraterritorial jurisdiction in which the person has a substantial interest.
  - (d) Identification of each person or business entity to whom the person or family member owed a debt of ten thousand dollars (\$10,000) or more during the reporting period, but not including debts owed to persons related within the second degree of consanguinity or affinity and excluding loans to a political campaign which were reported as required by law; if repaid during the reporting period the date of repayment shall be stated.
  - (e) Identification of each source of income amounting to ten (10) percent or more of the person's or family member's gross annual income as defined by the United States Internal Revenue Code.
  - (f) Identification of the donor of each gift of more than one hundred fifty dollars (\$150.00) in value received by the person or family member, including the value of the gift, where such donor has appeared before and requested action of the city council during the reporting period.
  - (g) Identification of the donor of two or more gifts of an accumulated value of six hundred dollars (\$600.00) or more received by the person or family member, where such donor has appeared before and requested action of the city council during the reporting period.

- (h) Identification of all individuals or business entities that:
  - (i) he or a business entity in which he has a substantial interest has had business dealings involving one or more transactions of five hundred dollars (\$500.00) or more each, for a total of twenty-five hundred dollars (\$2,500) or more, and
  - (ii) have appeared before and requested action of the city council during the reporting period.

Identification shall also be required of all individuals who have an ownership interest of twenty-five (25) percent or more in a business entity as described in (i) above and who appears before and requests some action on the part of the city council, even though the action does not concern such business entity.

- (5) The city secretary shall maintain all financial disclosure statements required to be filed herein as public records and retain them for a period of three (3) years after which statements shall be returned to the person filing them or be destroyed.
- (6) A city official, appointee, or employee shall immediately and publicly identify, either verbally on the record or in writing, all individuals or business entities that:
  - (a) he or a business entity in which he has a substantial interest or has had business dealings involving one or more transactions of five hundred dollars (\$500.00) or more each, for a total of twenty-five hundred dollars (\$2,500) or more within the immediately preceding twelve (12) month period, and
  - (b) appear before and request some action of the City Council, board or commission of which such reporting person is an advisor or member.

Such immediate identification shall also be required of all individuals who have an ownership interest of twenty five percent (25%) or more in a business entity as described in (a) above and who appear and requests some action on the part of the City Council, board or commission, even though the action does not concern such business entity. Such identification shall be made prior to any decision or determination of the matter or immediately upon discovery of such business dealings.

- (7) Within thirty (30) days of being appointed to the planning and zoning commission and on each anniversary of that date, each member of such commission shall file with the city secretary a sworn statement identifying by street address and legal description all real property located within the city or its extraterritorial jurisdiction in which the member has a substantial interest.
- (8) Any person who appears before the city council or commission who has had business dealings in the immediately preceding twelve (12) month period involving one or more transactions of five hundred dollars (\$500.00) or more each, for a total of twenty-five hundred dollars (\$2,500.00) or more, with a council member, commissioner, or business entity in which a council member or commissioner has

a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with Section 1.602 of this Code of Ordinances.

#### 1.906 ETHICS REVIEW COMMISSION

- (1) An Ethics Review Commission (commission) is hereby established to be composed of seven (7) members, all of whom shall reside in the city.
- (2) Each commission member shall be appointed by the city council and shall occupy a position on the commission, such positions being numbered 1 through 7.
- (3) The commission members shall be appointed to two (2) year staggered terms. Positions 1, 3, 5, and 7 shall expire on May 1, 1991, with successive two (2) year terms and positions 2, 4, and 6 shall expire on May 1, 1992, with successive two (2) year terms.
- (4) All vacancies shall be filled for the unexpired term. A member shall hold office until his successor has been appointed by the city council.
- (5) The commission shall elect a chairman and a vice-chairman to one (1) year terms. The vice-chairman shall act as chairman in the absence of the chairman.
- (6) Four (4) or more members of the commission shall constitute a quorum, but no action of the commission shall be of any force or effect unless it is adopted by the favorable vote of four (4) or more members.
- (7) The commission shall meet at least once a year to review this section and may make recommendations to the city council for amendments hereto.
- (8) The commission shall render advisory opinions on potential conflicts of interest or violation of this section at the request of a city official, member of a city or commission, or employee subject to the terms of this section. Such advisory opinion shall be rendered within a reasonable time, but in no event later than thirty (30) days after a request therefore is received by the commission.
- (9) It shall be a defense to an alleged violation of this section that the person accused previously requested an advisory opinion of the commission and acted on such opinion in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Such advisory opinion shall also be binding on the commission in any subsequent charges concerning the person requesting the opinion.
- (10) Independent legal counsel shall be utilized to advise the commission and participate in hearings. The city council shall annually designate and retain independent counsel who shall be a duly licensed attorney in the State of Texas.

1.907 DISPOSITION OF ALLEGED VIOLATIONS

- (1) A sworn complaint based on personal knowledge alleging a violation (s) of this section shall specify the provision (s) of this section alleged to have been violated, and shall name the city official, candidate, or employee being charged.

*THE STATE OF TEXAS:*

*COUNTY OF WILLIAMSON :*

*TO: THE ETHICS REVIEW COMMISSION  
OF THE CITY OF ROUND ROCK, TEXAS:*

*COMES NOW (complainant), and makes this complaint, UPON HIS/HER PERSONAL KNOWLEDGE AND UNDER OATH against (name of person complained against), and would show the Commission that:*

*On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
(insert date of the action, or omission, complained of)*

*\_\_\_\_\_,  
(name of person complained against)*

*a/an (insert appropriate designation; city official, candidate, employee, Board of Commission Member) of the City of Round Rock, Texas, violated the following provision(s) of Chapter 1, §1.900, Code of Ordinances, City of Round Rock, Texas, to wit: (Specify by Section Subsection and Paragraph number the provision(s) alleged violated.) by committing the following act, or omission, to-wit:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Describe above, the action, or omission, alleged to violate each Code provision cited. You may attach additional pages if more space is required.)*

- (2) Upon the aforesaid sworn complaint of any person being filed with the City Secretary's office, or on its own initiative, the Commission shall consider possible violations of this section by city officials, candidates and employees. A complaint shall not be deemed to be filed on the initiative of the Commission save and except the complaint be signed and sworn to by two (2) members of the Commission, one of which is the Chairman of the Commission, after consultation with the legal counsel of the Commission. A complaint filed by an individual member of the Commission shall be deemed to have been filed in the Commission member's capacity as a private citizen and, in such event, the member of the commission filing the complaint shall not thereafter participate in a Commission meeting at

which such complaint is considered save and except that the Commissioner filing the complaint may participate as a complainant at such meeting.

- (3) A complaint alleging a violation of this section must be filed with the city secretary within two (2) years from the commission of the action alleged as a violation, and not afterward.
- (4) Not later than three (3) working days after the city secretary receives a sworn complaint, the city secretary shall acknowledge the receipt of the complaint to the complainant, and provide a copy of the complaint to the city attorney, the independent counsel, the commission and the person complained against. Not later than ten (10) working days after receipt of a complaint, the commission shall notify in writing the person who made the complaint and the person complained against of a date for a preliminary hearing. If the commission does not hold a preliminary hearing within twenty (20) working days of receipt of the complaint, it shall notify the person who made the complaint of the reasons for the delay and shall subsequently give him the appropriate notification.
- (5) The commission may consider possible violations of this section on its own initiative. Within seven (7) days of the commission's decision to consider a possible violation of this section, the commission shall draft a written complaint specifying the provision (s) of this section alleged to have been violated and shall file a copy with the city secretary, and provide a copy to the city attorney, the independent counsel, and the person complained against. Not later than fifteen (15) days after the drafting of the complaint, the commission shall notify in writing the person complained against of the date for the preliminary hearing.
- (6) After a complaint has been filed and during the pendency of a complaint before the commission, a member of the commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the commission; provided that a member may consult with the attorney or the staff liaison for the commission as to process, procedure and legal issues.
- (7) As soon as reasonably possible, but in no event more than sixty (60) days after receiving a complaint, the commission shall conduct a preliminary hearing.
  - (a) The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this section has occurred. The person filing a complaint, or the independent counsel in cases considered upon the commission's own initiative, shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint. Statements at a preliminary hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. Members of the commission may question the complainant, the independent counsel for the commission, or the city official or employee named in the complaint.

- (b) The city official or employee named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The official or employee may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation. If the official or employee agrees that a violation has occurred, he may so state and the commission may consider the appropriate sanction.
  - (c) The complainant and the city official or employee named in the complaint shall have the right of representation by counsel.
  - (d) At the conclusion of the preliminary hearing, the commission shall decide whether a final hearing should be held; provided the commission may proceed to determine the appropriate sanction if the charged city official, appointee, or employee does not object and admits the charged violation, and the commission determines that there are no fact issues to be resolved. If the commission determines that there are reasonable grounds to believe that a violation of this section has occurred, it shall schedule a final hearing. If the commission does not determine that there are reasonable grounds to believe that a violation of this section has occurred, the complaint shall be automatically dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred.
  - (e) The commission, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of this section. Before a complaint is dismissed for failure to allege a violation, the complainant shall be permitted one opportunity, within ten (10) days of such preliminary hearing, to revise and resubmit the complaint.
  - (f) The complainant, the independent counsel, and the city official or employee named in the complaint may ask the commission at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.
- (8) Final Hearing
- (a) The final hearing shall be held as expeditiously as possible following the determination by the commission that there are reasonable grounds to believe that a violation of this section has occurred, but in no event shall it be held more than thirty (30) days after said determination. The commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the city official or employee named in the complaint.
  - (b) The issue at a final hearing shall be whether a violation of this section has occurred. The commission shall make its determination based on clear and convincing evidence in the record. All witnesses shall make their statements under oath. If the commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular

provision(s) of this section which have been violated, and within five (5) working days shall deliver a copy of the findings to the complainant, if any, the person named in the complaint and the city secretary.

- (c) If a complaint proceeds to a final hearing, the commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its duties and powers of investigation.

(9) Sanctions

- (a) If the commission determines that a violation of this section has occurred, it shall proceed directly to determination of the appropriate sanction(s). A violation of this section shall not be subject to criminal penalties under the City Code. The commission may receive additional testimony or statements before considering sanctions, but is not required to do so. If the city official or city employee named in the complaint acted in reliance upon a written opinion of the city attorney, the commission shall consider that fact.
- (b) If the commission determines that a violation has occurred, it may impose or recommend the following sanctions:
  - (i) A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the official or employee's conduct complained of was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the official or employee to whom it is directed of any steps to be taken to avoid future violations. The commission may direct a letter of notification to any official or employee covered by this section.
  - (ii) A letter of admonition shall be the appropriate sanction in those cases in which the commission finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification. The commission may admonish any official or employee covered by this section.
  - (iii) A reprimand shall be the appropriate sanction when the commission finds that a violation has been committed intentionally or through disregard of this section. The commission may reprimand any official or employee covered by this section. A reprimand directed to a city official or board or commission member shall also be sent to the city council. A reprimand directed to an employee shall be sent to the city manager and included in said employee's personnel file. A letter of reprimand directed to an elected city official shall be transmitted to the city secretary and published in the official newspaper of the city, and shall be sent to the city council.

- (iv) A recommendation of removal from employment or a recommendation of suspension from employment, as well as a recommendation for length of suspension, shall be the appropriate sanction when the commission finds that a serious or repeated violation(s) of this section has been committed intentionally or through culpable disregard of this section by city employees. A recommendation of suspension of city employees shall be directed from the commission to the city manager. In such cases the final authority to carry out such recommendations to suspend from employment and the length of suspension shall be with the city manager.
- (v) A letter of censure shall be the appropriate sanction when the commission finds that a serious or repeated violation(s) of this section has been committed intentionally or through culpable disregard of this section by an elected city official. A letter of censure directed to an elected city official shall be transmitted to the city secretary, published in the official newspaper of the city and shall be sent to the city council.

(Ordinance No. 2469 of April 26, 1990 as amended by Ordinance No. 2518 of November 8, 1990 and Ordinance No. G-02-09-12-12A1 of September 12, 2002)

## **SECTION 1.900.1 NEPOTISM**

### **1.901.1 NEPOTISM**

- (1) A person is related to a city official or employee within the third degree by consanguinity if such person is the parent, child, brother, sister, grandparent, grandchild, great-grandparent or great-grandchild of the city official or employee, or if the person is an aunt or uncle who is the sister or brother of one of the city official or employee's parents, or is a nephew or niece who is a child of the city official or employee's brother or sister.
- (2) A person is related to a city official or employee within the second degree by affinity if such person is the parent, child, brother, sister, grandparent or grandchild of the spouse of the city official or employee.
- (3) No city official or employee shall appoint, confirm the appointment of, or vote for the appointment or confirmation of, another person as a city official, officer or employee if such person is related to such city official or employee within the third degree by consanguinity or the second degree by affinity.
- (4) No member of the city council shall vote to appoint or to confirm the appointment of another person as a city official, officer or employee if such member of the city council knows, or has reason to believe, such person is related to another member of the city council within the third degree by consanguinity or the second degree by affinity.

- (5) No city official or employee shall participate in any deliberation or decision regarding the employment, service or status of an individual who could not be employed or appointed under this Section 1.900.1 but, under state law, is permitted to continue in a position held by such individual prior to the city official or employee being elected or appointed. This provision shall not be applicable to decisions applicable to a bona fide class or category of city officials or employees of which any such individual is a member.
- (6) No member of the city council or candidate for such office shall take affirmative action to influence the appointment, confirmation, reappointment, reconfirmation, employment, reemployment, change in status, compensation or dismissal of a city official, officer or employee that is related to such member of the city council or candidate within the third degree by consanguinity or the second degree by affinity.
- (7) No city official or employee shall appoint or employ to any office, position or clerkship of the city, any person that is related within the third degree by consanguinity or the second degree by affinity to any member of the city council or to the city manager.

(Ordinance No. G-02-08-22-12B2 of August 22, 2002)

## **SECTION 1.1000 CITY COUNCIL**

### **1.1001 REGULAR MEETINGS**

Under authority of Section 3.09 of the Round Rock Home Rule Charter, the city council has designated the following days and times to conduct its two (2) regular monthly meetings:

- (a) Except for the month of December, the two (2) regular monthly meetings of the Round Rock City Council shall be held on the second and fourth Thursdays of each month at 7:00 p.m.
- (b) During the month of December, the two (2) regular monthly meetings of the Round Rock City Council shall be held on the first and third Thursdays at 7:00 p.m.

(Ordinance No. 505 of September 9, 1977 as amended by Ordinance No. G-01-09-13-14A1 of September 13, 2001)

### **1.1002 WHEN REGULAR MEETING DATE CONFLICTS WITH A HOLIDAY**

Whenever the regular meeting date falls on a holiday recognized by the city, the meeting of the city council shall be held at 7:00 p.m. on the Tuesday immediately preceding the regular Thursday meeting date.

(Ordinance No. 771 of November 13, 1980)

1.1003 SPECIAL MEETINGS

Special meetings of the city council may be held on such dates and at such times as called by the Mayor or, in his or her absence, the Mayor Pro Tem. Public notice of all special meetings of the city council shall be given as required by the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code.

(Ordinance No. G-01-03-22-11A1 of March 22, 2001)

1.1004 COUNCIL WORK SESSIONS

If required, city council work sessions will generally be held on the Tuesday prior to the Thursday council meeting of each month and will generally commence at 7:00 p.m. City council work sessions may be held at such other times as may be necessary or beneficial. Public notice of all city council work sessions shall be given as required by the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code.

(Ordinance No. G-01-03-22-11A1 of March 22, 2001)

1.1005 COUNCIL RETREATS

The city council may hold one or more retreats annually. Public notice of all city council retreats shall be given as required by the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code.

(Ordinance No. G-01-03-22-11A1 of March 22, 2001)

1.1006 COMPENSATION

- (1) The mayor and members of the city council shall be paid as follows:

Mayor	\$1,000.00 per month
Members of Council	\$ 750.00 per month

(Ordinance No. G-07-10-11-12A2 of October 11, 2007)

- (2) The mayor and members of the city council shall be entitled to benefits on the same basis as all other City of Round Rock, Texas employees.

(Ordinance No. 2231 of May 8, 1986 as amended by Ordinance No. G-95-10-24-10A of October 24, 1995)

- (3) As additional compensation and in accordance with Section 3.04, City Charter, City of Round Rock, Texas, city council members are hereby allowed to participate in the City of Round Rock's Health Insurance Plan.

(Ordinance No. 2408 of June 3, 1989)

- (4) As additional compensation and in accordance with Section 3.04, City Charter, City of Round Rock, Texas, the mayor and council members shall each receive a vehicle allowance in the amount of \$200.00 per month.

(Ordinance No. G-07-10-11-12A2 of October 11, 2007)

#### 1.1007 GENERAL CITY ELECTIONS AND COMMENCEMENT OF TERMS

- (1) Pursuant to Section 5.01(a) of the Round Rock Charter, the general election will be held annually in May on the uniform election date established in accordance with the provisions of Tex. Elec. Code Ann., as amended.
- (2) The terms of each newly-elected Mayor or Council member shall commence on the date of the first regularly scheduled City Council meeting held more than 10 days following the election or runoff, if necessary.

(Ordinance No. 2461 of February 22, 1990 as amended by Ordinance No. G-93-03-11-8A of March 11, 1993, Ordinance No. G-04-06-24-16E1 of June 24, 2004, and Ordinance No. G-05-05-26-11A1 of May 26, 2005)

#### 1.1008 AGENDA AND RULES OF PROCEDURE FOR COUNCIL MEETINGS

##### (1) Agenda

##### \_\_\_\_\_ (a) Preparation

\_\_\_\_\_ The city manager shall prepare or cause to be prepared an agenda for each city council meeting, work session, or retreat.

##### (b) Placement of Agenda Items by Council Members

The city manager shall include on such agenda any item, other than a proclamation, which is requested by two or more council members provided that such requests are timely and in writing. The city manager shall include on such agenda any proclamation which is requested by any council member.

##### (c) Public Availability of Agenda

In addition to the requirements of the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code, the city council agenda and supporting materials, excluding exempt materials, shall be made available to any member of the public who properly requests same. However, any member of the public requesting the city council agenda and/or supporting materials, excluding exempt materials, shall pay all costs associated with the reproduction of the city council agenda and/or supporting materials, excluding exempt materials, in accordance with the standards established by the General Services Commission. The city council agenda shall also be made available to the public on the city's internet website.

(d) Consent Agenda

(i) Definition

Any items to be brought before city council which are considered by the city manager to be routine, non-controversial, and needing no discussion may be placed on the consent agenda. For purposes of example only, the following are routine items which may be considered for placement on the consent agenda: approval of minutes, approval of license applications and bonds, approval of payment of contracts, approval of annexations, approval of the unanimous recommendations of advisory committees, setting dates for hearings, accepting deeds, easements, final reading and adoption of ordinances, resolutions, approval of publishing notices, and leases/agreements previously approved in principle. *All of the foregoing examples are demonstrative only and are not meant or intended to be exclusive.*

(ii) Placement on Consent Agenda

All items placed on the consent agenda shall be marked with an asterisk (\*), and shall be treated as one agenda item. Each item included on the consent agenda shall be numbered separately and be reasonably explained.

All second readings of ordinances approved unanimously on first reading shall presumptively be placed on the consent agenda.

The consent agenda portion of the printed agenda shall be preceded by an explanatory note to the public, in substantially the same wording as follows: "All matters listed hereunder as the consent agenda are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda upon the request of any council member and will be considered separately."

(iii) Consideration of Items on Consent Agenda

Questions and explanation of consent agenda items will be permitted, but there shall be no general discussion or debate.

The city council shall vote on the consent agenda as one item, so passage of the consent agenda will be passage of each item included thereon. Failure to pass the consent agenda will not defeat each item included thereon; in such event, each item shall be considered individually.

Prior to the consent agenda being voted upon, any item included thereon shall be removed upon the request of any council member. A request for removal from the consent agenda may be

made either in writing or verbally. Any item removed from the consent agenda shall be considered as a separate action item at the meeting on which such item appears on the consent agenda.

(2) Rules of Procedure and Conduct of Council Meetings

(a) Chair

All city council meetings shall be presided over and conducted by the Mayor or, in his or her absence, the Mayor Pro Tem.

(b) Rules of Order

\_\_\_\_\_ All meetings of the city council shall be conducted generally in accordance with Robert's Rules of Order, in its most current revised edition.

(c) Parliamentarian

\_\_\_\_\_ The city attorney shall be designated as parliamentarian and shall make rulings on parliamentary procedure when requested to do so by a council member or when the legality or validity of a council action might be affected.

(d) Presentation by City Staff

\_\_\_\_\_ With the exception of the consent agenda, city staff shall make any presentation necessary for a public hearing or before consideration of a possible action item.

(e) Citizen Communications

\_\_\_\_\_ (i) Opportunity to Address Council Provided

An opportunity for any person to address the city council at any regular meeting shall be provided under an agenda item *entitled* "Citizen Communications."

(ii) Procedure for Citizen Placing Item on Agenda

\_\_\_\_\_ To place an item on the agenda under "Citizen Communications," a written request therefor shall be filed with the city secretary no later than six (6) days prior to the day of the meeting for which discussion of the matter is requested. Such written request shall contain the following:

- A brief, concise statement of the matter to be addressed;
- The name, address, and telephone number of the person filing the request;

- The name of the group or organization, if any, that the person is representing;
- An estimate of the amount of time required to present the matter.

Except as authorized by a majority of the city council, discussion on each item under “Citizen Communications” shall be limited to no longer than fifteen (15) minutes total.

(iii) Limitation on Council Taking Action

No matter brought before the city council during “Citizen Communications” may be acted upon by the city council unless the specific matter appears on the posted agenda as provided by law.

(iv) Procedure for Citizen Addressing Council When Item Not on Agenda

Any person wishing to address the city council concerning a matter not on the agenda under “Citizen Communication” may do so provided that he or she limits such presentation to three (3) minutes, and provided that he or she has previously delivered to the city secretary a registration card identifying the topic on which the person desires to address the city council.

The registration card shall include the following information: (1) full name; (2) business or residential address; (3) business or residential telephone number; (4) representation; (5) agenda item or topic; (6) brief statement of position, e.g. for or against an agenda item or summary of communication.

Persons properly and timely submitting registration cards will be heard after the items on the agenda have been heard.

Persons addressing the city council concerning a matter not on the agenda shall be limited to no more than three (3) minutes. However, the Mayor may expand the time limit set forth up to one additional three (3) minute period if the presenter requests an extension and if no council member objects. If a council member objects to the presenter’s request for an extension, then the city council shall vote to approve or disapprove the request for extension.

If the number of persons signing up to address the Council during Citizen Communication exceeds a total of ten (10) the Mayor may limit the time for each person to less than three (3) minutes unless a council member objects. If a council member objects to the time limitation, then the city council shall vote to approve or disapprove the time limitation.

Either the city secretary or the city attorney shall serve as timekeeper for any presentation made to the city council.

The Mayor may deny any presenter the opportunity to address the city council if the presentation made or offered is substantially repetitive of a presentation previously made.

(v) Procedure for Citizens Addressing the Council During Public Hearings

Any person wishing to address the city council concerning a Public Hearing may do so provided that he or she limits such presentation to three (3) minutes, and provided that he or she has previously delivered to the city secretary a registration card identifying the Public Hearing on which the person desires to address the city council.

The registration card shall include the following information: (1) full name; (2) business or residential address; (3) business or residential telephone number; (4) representation; (5) the topic of the Public Hearing; (6) brief statement of position, e.g. for or against an agenda item or summary of communication.

Persons addressing the city council concerning a Public Hearing shall be limited to no more than three (3) minutes. However, the Mayor may expand the time limit set forth up to one additional three (3) minute period if the presenter requests an extension and if no council member objects. If a council member objects to the presenter's request for an extension, then the city council shall vote to approve or disapprove the request for extension.

If the number of persons signing up to address the Council during a Public Hearing exceeds a total of ten (10) the Mayor may limit the time for each person to less than three (3) minutes unless a council member objects. If a council member objects to the time limitation, then the city council shall vote to approve or disapprove the time limitation.

Either the city secretary or the city attorney shall serve as timekeeper for any presentation made to the city council.

The Mayor may deny any person the opportunity to address the city council if the presentation made or offered is substantially repetitive of a presentation previously made or is not relevant to the matter for which the Public Hearing is held.

(Ordinance No. G-06-04-13-9A1 of April 13, 2006)

(g) Call of Agenda Items

\_\_\_\_\_ The Mayor may call each agenda item by number or short caption only.  
It shall not be necessary to call an agenda item by its complete caption.

(h) Council Vote

\_\_\_\_\_ The city secretary shall maintain, and the minutes shall reflect, all votes  
made by the city council in open meeting.

(Ordinance No. 570 of October 26, 1978 as amended by Ordinance No. G-98-09-24-9B1 of September 24, 1998, Ordinance No. G-00-07-25-12B1 of July 25, 2000, and Ordinance No. G-01-03-22-11A1 of March 22, 2001)

**SECTION 1.1000.1 ADMINISTRATIVE DEPARTMENTS****1.1001.1 POLICE DEPARTMENT**(1) Establishment of Police Department

- (a) The Police Department of the City of Round Rock is hereby created.
- (b) The Director of the Department shall be the Chief of Police who shall be appointed by the City Manager. The Chief of Police shall be a licensed peace officer in the State of Texas, or shall obtain said accreditation within a reasonable amount of time of taking the office.

(2) Powers and Duties of the Chief of Police

- (a) The Chief of Police, as Director of the Police Department shall carry out functions of the department relating to public safety, and enforcement of state, federal and local laws.
- (b) The Chief of Police shall have supervision and control of the Police Department, subject to the direction of the City Manager.
- (c) The Chief of Police shall organize the Police Department.
- (d) The Chief of Police shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

(3) Response Time Requirements

In response to the City's need to have its licensed police officers readily available for emergency situations, all licensed police officers hired on or after October 1, 2007 must certify to the Chief of Police, not later than 120 days after the person's hire date with the City, that he/she resides and has his/her true, fixed and permanent principal home within a forty-five (45) minute response time location

of the City's designated Emergency Operations Center; and further that he/she agrees to continue to reside within such forty-five (45) minute response time location for his/her duration of employment with the City, or be subject to dismissal from employment.

(Ordinance No. G-07-09-13-10E1 of September 13, 2007)

#### 1.1002.1 FIRE DEPARTMENT

##### (1) Establishment of Fire Department

- (a) The Fire Department of the City of Round Rock is hereby created.
- (b) The Director of the Fire Department shall be the Fire Chief who shall be appointed by the City Manager. The Fire Chief shall be a licensed fire fighter and emergency medical technician in the State of Texas, or shall obtain said accreditations within a reasonable amount of time of taking the office. The Fire Chief shall not be a member of the classified service and shall not be under the civil service protection.

##### (2) Powers and Duties of the Fire Chief

- (a) The Fire Chief, as Director of the Fire Department shall carry out functions of the department relating to public safety, and enforcement of fire prevention, fire inspection, and fire regulation ordinances and State laws.
- (b) The Fire Chief shall have supervision and control of the Fire Department, subject to the direction of the City Manager.
- (c) The Fire Chief shall organize the Fire Department.
- (d) The Fire Chief shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

##### (3) Establishment of Appointed Position of Assistant Fire Chief

- (a) The position of Assistant Fire Chief is hereby created.
- (b) Such position shall be filled by appointment of the Fire Chief in accordance with applicable subsections of Texas Local Government Code Section 143.014.

(Ordinance No. G-06-12-07-10B1 of December 7, 2006)

##### (4) Firefighters Civil Service Classifications and Numbers of Positions

- (a) Chapter 143, Texas Local Government Code, dealing with Municipal Civil Service for firefighters, was implemented effective October 30, 2001.

Section 143.021(a) thereof requires that the City's governing body establish the classifications of all firefighters and prescribe the numbers of positions in each classification.

- (b) The following civil service classifications are hereby established, and the following numbers of positions in each classification are hereby prescribed:

<u>Civil Service</u> <u>Classification</u>	<u>Number of Positions</u>
Assistant Fire Chief	1
Fire Marshal	1
Battalion Fire Chief	5
Captain/Suppression	10
Captain/Training	2
Captain/Prevention	1
Captain/Emergency Preparedness	1
Lieutenant/Suppression	17
Lieutenant/Prevention	2
Driver	23
Firefighter	47
TOTAL:	110

(Ordinance No. G-05-06-23-13B1 of June 23, 2005 as amended by Ordinance No. G-05-07-28-10B1 of July 28, 2005, Ordinance No. G-06-05-11-12A1 of May 11, 2006, Ordinance No. G-06-12-07-10B1 of December 7, 2006, and Ordinance No. G-07-05-10-7A1 of May 10, 2007)

(5) Assignment Pay Plan

That an Assignment Pay Plan is hereby established for firefighters, and assignment pay under such plan shall be paid in the following amounts and under the following conditions. The maximum number of assignment pay areas allowed for any firefighter not participating as a FRAP Team member is two (2). The maximum number of assignment pay areas for FRAP personnel is three (3).

- (a) Technical Rescue Personnel. The amount of \$75.00 per month shall be paid to persons assigned to a specialized Technical Rescue Team which performs technical rescues, i.e. confined space rescue, heavy rescue, high angle rope rescue, swift water rescue, and trench rescue.
- (b) Technical Rescue Team Supervisor. The amount of \$200.00 per month shall be paid to a person who supervises the Technical Rescue Team. In addition to having a mastery of the specialized team training, the technical Rescue Team Supervisor manages all three (3) work shifts, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing technical rescue team goals and objectives.

- (c) Hazardous Materials Personnel. The amount of \$75.00 per month shall be paid to persons assigned to a specialized Hazardous Materials Response Team which identifies, stabilizes, and mitigates the community's exposure to hazardous chemicals.
- (d) Hazardous Materials Response Team Supervisor. The amount of \$200.00 per month shall be paid to a person who supervises the Hazardous Materials Team. In addition to being certified as a Hazardous Materials Technician and having a mastery of the specialized team training, the Hazardous Materials Response Team Supervisor manages all three (3) work shifts, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing Hazardous Materials Team goals and objectives.
- (e) Air Management Personnel. The amount of \$75.00 per month shall be paid to persons assigned to a specialized Air Management Team which repairs, maintains, and annually tests self-contained breathing apparatus in accordance with NIOSH and NFPA standards.
- (f) First Responder Advanced Provider (FRAP) Personnel. The amount of \$100.00 per month shall be paid to persons specially trained in medical advanced life support skills and assigned to a specialized First Responder Advanced Provider (FRAP) Team, upon assignment by the medical director into the FRAP-credentialing process. The amount of \$200.00 per month shall be paid to FRAP Team members upon being FRAP-credentialed by the medical director. The amount of \$300.00 per month shall be paid to persons upon the completion of one (1) year as a credentialed FRAP Team member. FRAP Team members, composed of paramedics and intermediates, are credentialed by the medical director to use specialized equipment to perform advanced medical intervention on those requiring hospital care related to medical and trauma emergencies. Paramedics and intermediates who are not participating as FRAP Team members shall not receive assignment pay.
- (g) Medical Bicycle Team Personnel. The amount of \$75.00 per month shall be paid to persons on the specially-trained Medical Bicycle Team composed of firefighters who are not on probation and who maintain a physical conditioning status which allows them to successfully work large festivals and events utilizing bicycles, with the purpose of providing medical care to those suffering injuries or acute illnesses. The team utilizes bicycles, which also carry their medical gear, in order to cover large areas and to maneuver through dense crowds. FRAP Team members shall be given priority when selecting Medical Bicycle Team personnel.
- (h) Emergency Medical Coordinator. The amount of \$300.00 per month shall be paid to a person serving as Emergency Medical Services Coordinator. The Emergency Medical Coordinator coordinates with state, county, and local entities and vendors; administers FRAP programs, First Responder Organization (FRO) programs, Medical Bicycle Team

program, and all programs associated with delivery of a comprehensive fire-based FRAP/FRO program including emergency medical training and professional development programs encompassing emergency medical services training, and health and safety programs.

- (i) Fire Inspectors. The amount of \$100.00 per month shall be paid to a person who fulfills the assignment of Fire Inspector I, and the amount of \$200.00 per month shall be paid to a more experienced person who fulfills the assignment of Fire Inspector II. These individuals coordinate and conduct fire and life safety inspections in occupancies within the city, perform building plan reviews for new construction, enforce fire codes, issue citations, and develop and maintain written records of all fire code violations.
- (j) Arson Investigators. The amount of \$75.00 per month shall be paid to a person assigned to a specialized Arson Investigation Team certified by the Texas Commission of Fire Protection as an Arson Investigator.
- (k) Battalion Chief of Prevention (Fire Marshal). The amount of \$300.00 per month shall be paid to the Battalion Chief of Prevention (Fire Marshal) who supervises Fire Inspectors and Arson Investigators, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive fire prevention and fire safety and education program encompassing annual inspections, performs plan reviews for new construction, enforces fire codes, issues citations, and maintains required records and forms.
- (l) Training Specialist. The amount of \$300.00 per month shall be paid to a person who assists the Battalion Chief of Training with the delivery of a comprehensive fire-based training and professional development program, encompassing hazardous materials training, health and safety programs, and fire suppression methods.
- (m) Training Officer. The amount of \$300.00 per month shall be paid to the Battalion Chief of Training who supervises Training Specialists and the Emergency Medical Coordinator, coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing emergency medical services training, fire-based training, health and safety programs, and fire suppression methods.
- (n) Bilingual Support Team Personnel. The amount of \$100.00 per month shall be paid to members of a team composed of persons who are working on developing fluency in conversational Spanish and who successfully pass an annual Level 1 examination in this area, and such team members shall handle Spanish translation responsibilities on assigned shifts. The amount of \$200.00 per month shall be paid to members of a team composed of persons who speak conversational Spanish and who successfully pass an annual Level 2 fluency examination, and such team members shall handle Spanish translation responsibilities as an essential function of their employment with the City. The Battalion Chief of

Training shall be responsible for maintaining an up-to-date roster of Fire Department Bilingual Support Team personnel, scheduling the annual Level 1 and Level 2 examinations, and notifying the Director of Human Resources of test outcomes and eligibility of persons to receive such assignment pay.

- (o) Special Projects Personnel. The amount of \$300.00 per month shall be paid to a person who is assigned by the Fire Chief to perform special projects. Assignment pay for such projects that last for less than thirty (30) days shall be prorated at a rate of \$18.75 per hour.
- (p) Emergency Preparedness Coordinator. The amount of \$300.00 per month shall be paid to a person who serves as the City's Emergency Preparedness Coordinator. the Emergency Management Coordinator coordinates emergency preparedness issues with federal, state, county, and local officials, maintains the City's emergency operations plan, trains City personnel in emergency preparedness roles, exercises the City's emergency plan and conducts drills pursuant to federal and state mandates, and has primary responsibility for the City's preparedness to respond, mitigate, and recover from natural and man-made disasters. This person coordinates with outside vendors, and administers all programs dealing with delivery of a comprehensive training and professional development program encompassing emergency preparedness.

(Ordinance No. G-06-12-07-10B2 of December 7, 2006)

(6) Response Time Requirements

In response to the City's need to have its certified fire fighters readily available for emergency situations, all certified fire fighters hired on or after September 24, 2007 must certify to the Fire Chief, not later than 120 days after the person's hire date with the City, that he/she resides and has his/her true, fixed and permanent principal home within a forty-five (45) minute response time location of the City's designated Emergency Operations Center; and further that he/she agrees to continue to reside within such forty-five (45) minute response time location for his/her duration of employment with the City, or be subject to dismissal from employment.

(Ordinance No. G-07-09-13-10E1 of September 13, 2007)

1.1003.1 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

- (1) Establishment of Planning and Community Development Department
  - (a) The Department of Planning and Community Development of the City of Round Rock is hereby created.
  - (b) The head of the Department shall be the Director of Planning and Community Development who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.
- (2) Powers and Duties of the Planning and Community Development Director
  - (a) The Director of the Planning and Community Development Department shall carry out functions of the department relating to urban planning activities, including but not limited to the following: current planning, long range planning, and economic development.
  - (b) The Director of Planning and Community Development shall have supervision and control of the department, subject to the direction of the City Manager.
  - (c) The Director of Planning and Community Development shall organize the department.
  - (d) The Director of Planning and Community Development shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

1.1004.1 FINANCE DEPARTMENT(1) Establishment of Finance Department

- (a) The Finance Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Director of Finance who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.

(2) Powers and Duties of the Finance Director

- (a) The Director of the Finance Department shall carry out functions of the department, including but not limited to the following: head the financial activities of the city in the areas of accounting, reporting, purchasing, utility billing/collection, treasury, property tax, project finance, rate design and budget.
- (b) The Director of Finance shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Director of Finance shall organize the department.
- (d) The Director of Finance shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

1.1005.1 LIBRARY DEPARTMENT(1) Establishment of Library Department

- (a) The Library Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Director of Library who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university

(2) Powers and Duties of the Library Director

- (a) The Director of the Library Department shall carry out functions of the department, including but not limited to the following: plan, organize and direct the activities, services, and programs of the Public Library.
- (b) The Director of Library shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Director of Library shall organize the department.

- (d) The Director of Library shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

#### 1.1006.1 PARKS AND RECREATION DEPARTMENT

##### (1) Establishment of Parks and Recreation Department

- (a) The Parks and Recreation Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Director of Parks and Recreation who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.

##### (2) Powers and Duties of the Parks and Recreation Director

- (a) The Director of the Parks and Recreation Department shall plan, direct, and review all functions and operations of the department including but not limited to the following: acquisition, planning, development and maintenance of the park system, forestry, recreational activities and recreation center(s).
- (b) The Director of Parks and Recreation shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Director of Parks and Recreation shall organize the department.
- (d) The Director of Parks and Recreation shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

#### 1.1007.1 HUMAN RESOURCES DEPARTMENT

##### (1) Establishment of Human Resources Department

- (a) The Human Resources Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Director of Human Resources who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.

##### (2) Powers and Duties of the Human Resources Director

- (a) The Director of the Human Resources Department shall carry out functions of the department, including but not limited to the following: direct activities related to human resources administration, employee relations, employee classifications, employee compensation and benefits,

employee training and development as well as employee health, safety and risk management.

- (b) The Director of Human Resources shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Director of Human Resources shall organize the department.
- (d) The Director of Human Resources shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

#### 1.1008.1 WATER/WASTEWATER UTILITY DEPARTMENT

##### (1) Establishment of Water/Wastewater Utility Department

- (a) The Water/Wastewater Utility Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Water/Wastewater Utility Director who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.

##### (2) Powers and Duties of the Water/Wastewater Utility Director

- (a) The Water/Wastewater Utility Director shall plan, direct, and review the functions of the department, including but not limited to the following: water and wastewater line maintenance and repair, plant operations, Inflow & Infiltration section, and Utility Support section.
- (b) The Water/Wastewater Utility Director shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Water/Wastewater Utility Director shall organize the department.
- (d) The Water/Wastewater Utility Director shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

##### (3) Response Time Requirements

In response to the City's need to have certain personnel readily available for emergency situations, all personnel in the Water/Wastewater Utility Department hired on or after October 1, 2007 which are required to do so by the Water/Wastewater Utility Director must certify to the Water/Wastewater Utility Director, not later than 120 days after the person's hire date with the City, that he/she resides and has his/her true, fixed and permanent principal home within a forty-five (45) minute response time location of the City's designated Emergency Operations Center; and further that he/she agrees to continue to reside within such forty-five (45) minute response time location for his/her duration of employment with the City, or be subject to dismissal from employment.

(Ordinance No. G-07-09-13-10E1 of September 13, 2007)

1.1009.1 TRANSPORTATION SERVICES DEPARTMENT

(1) Establishment of Transportation Services Department

- (a) The Transportation Services Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the Transportation Services Director who shall be appointed by the City Manager. The director shall have a bachelor's degree from an accredited college or university.

(2) Powers and Duties of the Transportation Services Director

- (a) The Transportation Services Director shall plan, direct, and review all functions and operations of the department including but not limited to the following: transportation engineering; traffic operations; street maintenance and repair; and City Shop. Develop short and long range plans and implement department goals and objectives.
- (b) The Transportation Services Director shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The Transportation Services Director shall organize the department.
- (d) The Transportation Services Director shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

(3) Response Time Requirements

In response to the City's need to have certain personnel readily available for emergency situations, all personnel in the Transportation Services Department hired on or after October 1, 2007 which are required to do so by the Transportation Services Director must certify to the Transportation Services Director, not later than 120 days after the person's hire date with the City, that he/she resides and has his/her true, fixed and permanent principal home within a forty-five (45) minute response time location of the City's designated Emergency Operations Center; and further that he/she agrees to continue to reside within such forty-five (45) minute response time location for his/her duration of employment with the City, or be subject to dismissal from employment.

(Ordinance No. G-07-09-13-10E1 of September 13, 2007)

1.1010.1 ENGINEERING & DEVELOPMENT SERVICES DEPARTMENT(1) Establishment of Engineering & Development Services Department

- (a) The Engineering & Development Services Department of the City of Round Rock is hereby created.
- (b) The head of the Department shall be the City Engineer who shall be appointed by the City Manager. The City Engineer shall have a bachelor's degree from an accredited college or university.

(2) Powers and Duties of the Engineering & Development Services Director

- (a) The City Engineer shall plan, direct, and review all functions and operations of engineering activities for the department including but not limited to the following: development review, engineering design, drafting and inspection.
- (b) The City Engineer shall have supervision and control of the department, subject to the direction of the City Manager.
- (c) The City Engineer shall organize the department.
- (d) The City Engineer shall promulgate policies, procedures, rules, directives, and orders for the administration of the department, including but not limited to discipline within the department.

(Ordinance No. G-03-06-12-9A2 of June 12, 2003)

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**SECTION 1.1100 FINANCIAL ADMINISTRATION****1.1101 CITY DEPOSITORIES****(1) All Monies to be Deposited in City Depositories**

All monies received by any person, department or agency of the city for or in connection with affairs of the city shall be deposited promptly in the city depository or depositories, which shall be designated by the council in accordance with the rules and regulations as hereinafter set forth.

**(2) City Depositories To Be Designated For Twenty-Four (24) Months**

Except as otherwise provided herein, the official depository or depositories shall be designated as such by the council for a period of twenty-four (24) months beginning the start of the city's fiscal year in even-numbered years.

**(3) Applications For Custody of City Funds Accepted**

Within ten (10) days of the effective date of this section, the city secretary shall cause the publication of notice that applications for the custody of city funds will be accepted for the upcoming period terminating on the last day of September 1980. Thereafter the city secretary shall cause the publication of said notice on or about the first day of August of each even-numbered year. Said notice shall be published not less than one (1) nor more than four (4) weeks before the meeting in which the depository or depositories are to be selected.

**(4) City Secretary to Accept Applications**

All applications shall be delivered to the city secretary on or before the day of the meeting designated in the published notice.

**(5) Eligibility of Applicants**

Any banking corporation, association, or individual banker doing business within the city is authorized to submit applications.

**(6) Authority to Select Depositories**

The selection of the depository or depositories and the requirements for qualification thereof shall be governed by Chapter 105, Local Government Code, V.T.C.A.

**(7) City Council to Designate Depository**

As soon as the selected depository or depositories qualify as required by paragraph (6), the city council shall by resolution designate the said banking corporation, association, or individual banker, as the official depository or depositories of the funds of the city. It shall then be the duty of the city manager to transfer to said depository all of the funds in his hands belonging to the city,

and immediately upon the receipt of the money thereafter, he shall deposit the same with said depository to the credit of the city.

(8) When Selected Depository Fails to Qualify

If any banking corporation, association, or individual banker, after having been selected as such depository, shall fail to qualify as required by paragraph (6), then the selection of that banking corporation, association, as the depository shall be set aside and be null and void, and the city council shall, after the notice published in the manner hereinbefore provided, proceed to receive new applications and select another depository.

(9) Other Requirements

If the city council shall at any time deem it necessary for the protection of the city, it may by resolution, require the depository to give new bond or pledge new securities as required by paragraph (6), and upon failure to do so within five (5) days after the service of a copy of the resolution on said depository, the city council may proceed to select another depository in the manner hereinbefore provided.

(Ordinance No. 560 of September 14, 1978)

1.1102 AUTHORIZED SIGNATURES

- (1) Under authority of Section 8.08 of the Round Rock Home Rule Charter, all checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or City Manager and countersigned by the Assistant City Manager.
- (2) Under authority of Section 8.08 of the Round Rock Home Rule Charter, all checks, vouchers or warrants for withdrawal of money from the city depositories hereafter can be signed by machine imprinted facsimile signatures of the Mayor, City Manager, and Assistant City Manager of the City of Round Rock.

(Ordinance No. 506 of September 9, 1977 as amended by Ordinance No. G-00-02-24-10B1 of February 24, 2000 and Ordinance No. G-04-06-24-16E3 of June 24, 2004)

1.1103 MISCELLANEOUS CHARGES

(1) Returned Item Charges

Where payment for any fine, fee, permit, license, service, or other item is required by this Code or other ordinance or resolution of the city and such payment is made by check, credit card, debit card, electronic funds transfer, or other payment method, a fee in an amount not exceeding the maximum allowed by applicable law shall be charged if the item is returned or the item is not paid for any reason by the issuer's bank or other financial institution.

(2) Convenience Charges

Where payment of any fine, fee, permit, license, service or other item is required by this Code or other ordinance or resolution of the city and such payment is made through a customer initiated on-line payment system available through the City's web page or through the City's Interactive Voice Response (IVR) system, an additional fee in the amount of \$1.50 shall be paid for the use of said systems.

(Ordinance No. 2511 of October 23, 1990 as amended by Ordinance No. G-00-06-22-10A1 of June 22, 2000 and Ordinance No. G-06-04-27-10C1 of April 27, 2006 and Ordinance No. G-07-10-25-10D1 of October 25, 2007)

#### 1.1104 GENERAL AUTHORITY TO CONTRACT FOR EXPENDITURES AND APPROVE CERTAIN CHANGE ORDERS

(1) General Authority to Contract for Expenditures

Pursuant to Section 4.01(f) of the Round Rock Home Rule Charter, the City Manager is hereby authorized to execute contracts and/or to expend funds for budgeted items in the maximum amount of \$50,000.00; provided that all such contracts and expenditures are in compliance with state laws requiring competitive bids. All contracts and/or expenditures in excess of \$50,000.00 must be approved in advance by the City Council.

(Ordinance No. G-04-06-24-16E4 of June 24, 2004)

(2) Contract Change Order

The city manager or his designee may approve change orders under the following conditions:

- (a) Any change involving a decrease or increase in cost of twenty-five thousand dollars (\$25,000.00) or less, and
- (b) Provided, however, that the original contract price may not be increased by more than twenty five (25) percent or decreased more than twenty five (25) percent without the consent of the contractor to such decrease.

(Ordinance No. 2229 of April 24, 1986 as amended by Ordinance No. G-95-12-14-12C of December 14, 1995)

#### 1.1105 CITY EMPLOYEES' BONDS

(1) City Manager

Pursuant to Section 4.01 of the Round Rock Home Rule Charter, the City Manager shall be bonded at city expense in the amount of \$100,000.00.

(2) Assistant City Manager

The Assistant City Manager shall be bonded at city expense in the amount of \$100,000.00.

(3) Director of Finance

Pursuant to Section 10.01 of the Round Rock Home Rule Charter, the Director of Finance shall be bonded at city expense in the amount of \$100,000.00.

(Ordinance No. G-04-06-24-16E2 of June 24, 2004)

**SECTION 1.1200 SALES TAX**1.1201 LOCAL SALES TAX ADOPTED

The local sales tax of one (1) percent as authorized in the Local Sales and Use Tax Act (Section 321.101, Tax Code, V.T.C.A) has been adopted by the voters of the city as the result of an election held for that purpose on October 7, 1967.

(Election of October 7, 1967)

1.1202 SALES TAX RETAINED ON USE OF GAS AND ELECTRICITY

The tax authorized by the Local Sales and use Tax Act on the receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption of gas and electricity for residential use is hereby retained.

(Ordinance No. 587 of March 22, 1979)

1.1203 ADDITIONAL ONE-HALF OF ONE PERCENT SALES TAX  
AUTHORIZED TO REDUCE PROPERTY TAX RATE

- (1) Pursuant to the authority granted in the Local Sales and Use Tax Act, the adoption of an additional one half (½) of one (1) percent sales tax is hereby authorized.
- (2) The adoption and collection of the additional one-half (½) percent sales tax shall be used to reduce property taxes.

(Election of August 8, 1987)

1.1204 TAXATION OF TELECOMMUNICATION SERVICES

- (1) A sales and use tax is hereby authorized on all telecommunication services sold within the City of Round Rock, Texas. For the purposes of this section, the sale of telecommunication services is consummated at the location of the telephone or other telecommunications device from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed.

- (2) The rate of the tax imposed by this section shall be the same as the rate imposed by the city for all other local Sales and Use Taxes as authorized by the legislature of the State of Texas.

(Ordinance 2551 of September 12, 1991)

## **SECTION 1.1300 UNLAWFUL TO POSSESS OR SELL STREET SIGNS**

### **1.1301 STREET SIGN DEFINED**

As used herein, "Street sign" shall mean any sign erected or to be erected on any street within the corporate limits of the City of Round Rock, for the purpose of identifying the name of the respective street.

### **1.1302 POSSESSION OF SIGNS A MISDEMEANOR**

Whosoever shall possess a street sign, as defined in subsection 1.1301, shall be guilty of a misdemeanor.

### **1.1303 SALE OF SIGNS A MISDEMEANOR**

Whosoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a street sign as hereinabove defined to any person shall be guilty of a misdemeanor.

### **1.1304 EXCEPTIONS**

Nothing contained in subsections 1.1302 or 1.1303 herein Shall prohibit or interfere with the possession or sale of street signs by duly authorized employees of the City of Round Rock engaged in their normal and usual duties.

(Ordinance No. 523 of February 9, 1978)

## **SECTION 1.1400 DISCHARGE OF FIREARMS PROHIBITED**

### **1.1401 UNLAWFUL TO DISCHARGE FIREARMS WITHIN CITY LIMITS**

\_\_\_\_\_ It shall hereafter be unlawful to discharge within the corporate limits of the City of Round Rock, Texas, any firearm, airgun, BB gun, pellet gun, or any other mechanism projecting lead or any missiles.

### **1.1402 EXCEPTIONS**

This section shall not be construed to prohibit the following:

- (1) Any officer of the law from discharging a firearm in the lawful performance of his duty.
- (2) Any citizen from discharging a firearm when lawfully defending person or property.

- (3) The use by workers in the construction business of any mechanism designed to propel nails, bolts, screws, rivets or other fasteners, as long as such mechanism is being used in the manner in which it was intended.
- (4) The discharge of firearms during organized competitive events, when a permit therefor has been issued by the city council. The city council may issue a permit only when the organizer has:
  - (a) made application for a permit, indicating its name, address, date, time, duration, location, number of participants, and type of event;
  - (b) provided evidence that adequate provisions have been made to ensure the safety of the public, spectators, participants, and property; and
  - (c) provided the city with evidence of insurance coverage for spectators and property in the amount of three hundred thousand dollars (\$300,000.00) combined single limit. The insurance policy shall also name the City of Round Rock as an additional insured.
- (5) The discharge of firearms in an approved indoor firing range.
- (6) The discharge of firearms during an organized training or competitive event, authorized and supervised by the chief of police or his or her designated agent.

(Ordinance No. 519 of January 12, 1978 as amended by Ordinance No. 2474 of June 14, 1990 and Ordinance No. 2616 of December 22, 1992 and Ordinance No. G-02-02-28-11C1 of February 28, 2002)

#### **SECTION 1.1500 UNLAWFUL TO TRESPASS UPON OR DAMAGE CITY WATER TOWER**

It shall be unlawful for any person without the expressed written consent of the city manager of the City of Round Rock, Texas, to climb or in any manner enter upon or trespass on any city owned and operated water tower, or fence, ladder or any other available access to said water tower within the corporate limits of the City of Round Rock, Texas, or to write, paint or in any other manner damage said water tower or accesses thereto.

(Ordinance No. 250 of February 7, 1974)

#### **SECTION 1.1600 VANDALISM REWARD**

##### 1.1601 REWARD PAID FOR INFORMATION LEADING TO ARREST AND CONVICTION OF VANDAL(S)

The City of Round Rock, Texas, shall pay a reward of one hundred dollars (\$100.00) to a person who furnishes information to the city that leads to the arrest and conviction of any person who damages property which is owned, operated, or is under the control of the City of Round Rock, Texas. One (1) and only one (1) reward shall be paid for each separate incident of vandalism.

1.1602 LAW ENFORCEMENT PERSONNEL NOT ELIGIBLE

Law enforcement employees and officials shall not be eligible for the payment of any such reward.

1.1603 WHEN MORE THAN ONE (1) PERSON CLAIMS REWARD

The city council of the City of Round Rock, Texas, shall make the determination of who shall receive the reward if more than one (1) person makes claim for the payment of the reward. The city council shall have and reserve the right to file a petition in the nature of a Bill of Interpleader in any court of competent jurisdiction if more than one (1) person claims the reward.

(Ordinance No. 273 of April 8, 1976)

**SECTION 1.1700      PARKS**1.1701 HOURS OPEN TO THE PUBLIC

- (1) The municipal parks shall be open to the general public only between the hours of 6:00 a.m. and 12:00 midnight.
- (2) It shall be unlawful for any person except for employees of the city engaged in the performance of their official duties to be in any municipal park except between the hours set forth herein.
- (3) Any exceptions to the requirements of this section are authorized only by council approval.

1.1702 MOTOR VEHICLES PROHIBITED

It shall be unlawful for any person or persons to operate any motor vehicle, including but not limited to motorcycles, motor scooters and mini-bikes, in or through any city owned or operated park and pool areas, except on parking areas and driving lanes provided by the city.

(Ordinance No. 2126 of July 12, 1984)

1.1703 PARK FACILITIES, POOLS, AND EQUIPMENT RENTAL

- (1) Park Facilities. Resident and non-resident individuals, clubs, organizations, or businesses may rent parks and recreation facilities, when available, for a fee per function as follows:

	RESIDENTS	NON-RESIDENTS
(a) Pavilions:		
Neighborhood parks	\$ 25.00	\$ 50.00
Old Settlers Park	\$100.00	\$125.00
(b) Rabb & Kinningham Recreation Centers:	\$200.00/4 hours \$ 15.00/each additional hour	\$225.00/4 hours \$ 20.00/each additional hour
(c) Sports Facility Lights	\$ 18.00 per hour	\$ 18.00 per hour
(d) Concession Stand	\$ 20.00 per day	\$ 45.00 per day

A \$100.00 deposit shall be required to rent City parks and recreation facilities. Upon inspection and determination that parks and recreation facilities have not been damaged and clean up costs have not been incurred, the deposit shall be refunded.

- (2) Pools. Resident and non-resident individuals, clubs, organizations, or businesses may rent City pools, when available, for an hourly rate, with a minimum of two (2) hours and a maximum of four (4) hours, as follows:

	RESIDENTS	NON-RESIDENTS
(a) Lake Creek Pool		
100 people or less	\$ 100.00	\$ 125.00
101 - 150 people	\$ 110.00	\$ 135.00
151 - 200 people	\$ 120.00	\$ 145.00
(b) Micki Krebsbach Pool		
200 people or less	\$170.00	\$195.00
201 - 400 people	\$210.00	\$235.00
401 - 600 people	\$250.00	\$275.00
(c) Rock'n River Family Aquatic Center		
200 people or less	\$200.00	\$225.00
201 - 400 people	\$240.00	\$265.00

A \$100.00 deposit shall be required to rent a City pool. Upon inspection and determination that pool facilities have not been damaged and clean up costs have not been incurred, the deposit shall be refunded.

(Ordinance No. G-06-04-13-9C1 of April 13, 2006)

(3) Equipment.

	RESIDENTS	NON-RESIDENTS
(a) Recreation Kit	\$ 25.00	\$ 30.00

(Ordinance No. G-96-04-25-9A of April 25, 1996 as amended by Ordinance No. G-97-05-22-10A of May 22, 1997 and Ordinance No. G-98-02-26-9A of February 26, 1998 and Ordinance No. G-98-11-24-13B1 of November 24, 1998 and Ordinance No. G-03-03-06-8A1 of March 6, 2003)

(4) Clay Madsen Recreation Center Room Rental Rates.

FACILITY	COST PER HOUR	
	Social Services or Charitable Organizations	Private Individuals, Organizations, Businesses
Large Meeting Room	10.00	35.00
Kitchen	25.00	50.00
Multi-purpose Room	5.00	20.00
Gym ½ Court	50.00	50.00
Pool Parties	Room cost plus \$3.00 per swimmer	

\* Additional \$5.00 per hour Non-Resident Rate.

\* All reservations based on availability.

\* All reservations must occur during normal operating hours.

(5) Clay Madsen Recreation Membership Fees.

MEMBERSHIP	ANNUALLY	QUARTERLY	MONTHLY
Family	270.00	70.00	25.00
Couple (21-54 yrs.)	190.00	50.00	20.00
Sr. Couple (55-over)	110.00	30.00	15.00
Individual (21-54)	120.00	35.00	15.00
Sr. Individual (55-over)	65.00	20.00	10.00
Youth (up to 20)	65.00	20.00	10.00
Corporate (20 or more)	75.00 ea.	n/a	n/a

* Additional \$10.00 per month Non-Resident, and Senior Non-Resident \$5.00.
* Fees include access to gym, pool, racquetball courts, weight room, game room, TV Room.
* Fees do not include classes, leagues, tournaments, events and concessions.
* Programs Scholarship are available.

(Ordinance No. G-00-01-27-12A1 of January 27, 2000 as amended by Ordinance No. G-00-06-08-10B1 of June 8, 2000 and Ordinance No. G-01-04-12-3A1 of April 12, 2001 and Ordinance No. G-03-03-06-8A1 of March 6, 2003)

(6) Clay Madsen Recreation Center Walk-in Fees.

WALK-IN FEES	RESIDENT	NON-RESIDENT
Individual (21-54)	5.00	10.00
Sr. Individual (55-over)	2.5	5.00
Youth (up to 20)	1.00	5.00

* First visit requires an additional \$5.00 ID card fee.
* ID card must be presented on subsequent visits.

(Ordinance No. G-01-04-12-3A1 of April 12, 2001 as amended by Ordinance No. G-03-03-06-8A1 of March 6, 2003)

(7) Allen R. Baca Center for Senior and Community Activities Membership Fees.

MEMBERSHIP	ANNUALLY	MONTHLY	WALK-IN/ DAY-USE
Resident Ages 50-over	25.00	3.00	1.00
Non-Resident Ages 50-over	30.00	7.00	Not applicable
Resident Ages 50-over (Weight Room Included)	50.00	9.00	Not applicable
Non-Resident Ages 50-over (Weight Room Included)	60.00	15.00	Not applicable
Resident Ages 21-49 (Weight Room Only)	65.00	12.00	5.00
Non-Resident Ages 21-49 (Weight Room Only)	100.00	17.00	6.00

(Ordinance No. G-06-04-13-9C1 of April 13, 2006)

(8) Clay Madsen Recreation Center (CMRC) and Allen R. Baca Center for Senior and Community Activities (BCSCA) Join Membership Fees

(a) All Access to both the CMRC and the BCSCA Facilities

<b>MEMBERSHIP</b>	<b>ANNUALLY</b>
Resident Ages 55-over	80.00
Non-Resident Ages 55-over	130.00
Resident Ages 50-over (Weight Room Included)	Not applicable
Non-Resident Ages 50-over (Weight Room Included)	Not applicable

(b) All Access to both the CMRC and the BCSCA Weight Room

<b>MEMBERSHIP</b>	<b>ANNUALLY</b>
Resident Ages 21-49	140.00
Non-Resident Ages 21-49	260.00

(Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1704 ALLEN R. BACA CENTER FOR SENIOR AND COMMUNITY ACTIVITIES RENTAL(1) Resident Fees

## (a) Monday - Thursday and Friday until 5:00 p.m.

Room	Capacity	1 Hour	4 Hours	All Day 8:00 a.m. to 10:00 p.m.	Security Deposit	Additional Hours	sq. ft.
Grand Meeting Room	465	\$60	\$180	\$360	\$250	\$55	3000
Grand Meeting Room with Kitchen	469	\$65	\$195	\$390	\$350	\$60	3200
Meeting Room No. 1	77	\$20	\$60	N/A	\$50	\$15	1155
Meeting Room No. 2	77	\$20	\$60	N/A	\$50	\$15	1155
Computer Room	21	\$15	\$45	N/A	\$1,000	\$10	756
Arts & Crafts Room	36	\$20	\$60	N/A	\$50	\$15	864
Aerobics Room	36	\$20	\$60	N/A	\$50	\$15	1094
Weight Room	33	\$30	\$90	N/A	\$1,000	\$25	1480
Dining Room	368	\$50	\$150	N/A	\$200	\$45	2596
Billiard Room	24	\$15	\$45	N/A	\$500	\$10	558
TV/Game Room	24	\$15	\$45	N/A	\$500	\$10	496
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen	623	\$100	\$300	N/A	\$500	\$90	5510
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen, Billiard, TV/Game	671	\$130	\$300	N/A	\$1,000	\$120	6564
All rentals include lobby space and parking garage access.							

## (b) Friday after 5:00 p.m., Saturday and Sunday

Room	Capacity	1 Hour	4 Hours	All Day 8:00 a.m. to 10:00 p.m.	Security Deposit	Additional Hours	sq. ft.
Grand Meeting Room	465	\$95	\$285	\$570	\$250	\$85	3000
Grand Meeting Room with Kitchen	469	\$110	\$330	\$660	\$350	\$90	3200
Meeting Room No. 1	77	\$35	\$105	\$210	\$50	\$25	1155
Meeting Room No. 2	77	\$35	\$105	\$210	\$50	\$25	1155
Computer Room	21	\$25	\$75	\$150	\$1,000	\$20	756
Arts & Crafts Room	36	\$25	\$75	\$150	\$50	\$20	864
Aerobics Room	36	\$35	\$105	\$210	\$50	\$25	1094
Weight Room	33	\$45	\$135	\$270	\$1,000	\$40	1480
Dining Room	368	\$75	\$225	\$450	\$200	\$65	2596
Billiard Room	24	\$20	\$60	\$120	\$500	\$15	558
TV/Game Room	24	\$20	\$60	\$120	\$500	\$15	496
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen	623	\$165	\$495	\$990	\$500	\$150	5510
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen, Billiard, TV/Game	671	\$205	\$615	\$1,230	\$1,000	\$175	6564
All rentals include lobby space and parking garage access.							

(2) Non-Resident Fees

## (a) Monday - Thursday and Friday until 5:00 p.m.

Room	Capacity	1 Hour	4 Hours	All Day 8:00 a.m. to 10:00 p.m.	Security Deposit	Additional Hours	sq. ft.
Grand Meeting Room	465	\$95	\$285	\$570	\$250	\$85	3000
Grand Meeting Room with Kitchen	469	\$110	\$330	\$660	\$350	\$90	3200
Meeting Room No. 1	77	\$35	\$105	N/A	\$50	\$25	1155
Meeting Room No. 2	77	\$35	\$105	N/A	\$50	\$25	1155
Computer Room	21	\$25	\$75	N/A	\$1,000	\$20	756
Arts & Crafts Room	36	\$25	\$75	N/A	\$50	\$20	864
Aerobics Room	36	\$35	\$105	N/A	\$50	\$25	1094
Weight Room	33	\$45	\$135	N/A	\$1,000	\$40	1480
Dining Room	368	\$75	\$225	N/A	\$200	\$65	2596
Billiard Room	24	\$20	\$60	N/A	\$500	\$15	558
TV/Game Room	24	\$20	\$60	N/A	\$500	\$15	496
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen	623	\$165	\$495	N/A	\$500	\$150	5510
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen, Billiard, TV/Game	671	\$205	\$615	N/A	\$1,000	\$175	6564
All rentals include lobby space and parking garage access.							

## (b) Friday after 5:00 p.m., Saturday and Sunday

Room	Capacity	1 Hour	4 Hours	All Day 8:00 a.m. to 10:00 p.m.	Security Deposit	Additional Hours	sq. ft.
Grand Meeting Room	465	\$150	\$450	\$900	\$250	\$125	3000
Grand Meeting Room with Kitchen	469	\$160	\$480	\$960	\$350	\$130	3200
Meeting Room No. 1	77	\$60	\$180	\$360	\$50	\$50	1155
Meeting Room No. 2	77	\$60	\$180	\$360	\$50	\$50	1155
Computer Room	21	\$40	\$120	\$240	\$1,000	\$30	756
Arts & Crafts Room	36	\$40	\$120	\$240	\$50	\$30	864
Aerobics Room	36	\$55	\$165	\$330	\$50	\$45	1094
Weight Room	33	\$75	\$225	\$450	\$1,000	\$65	1480
Dining Room	368	\$130	\$390	\$780	\$200	\$115	2596
Billiard Room	24	\$30	\$90	\$180	\$500	\$20	558
TV/Game Room	24	\$30	\$90	\$180	\$500	\$20	496
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen	623	\$270	\$810	\$1,620	\$500	\$235	5510
Grand, Meeting Rm 1, Meeting Rm 2, Kitchen, Billiard, TV/Game	671	\$330	\$990	\$1,980	\$1,000	\$300	6564
All rentals include lobby space and parking garage access.							

Civic and non-profit organizations, and senior citizens shall receive a twenty-five (25) percent discount from their rental provided that the civic, non-profit or senior citizen is renting the facility for a civic, non-profit or senior citizen event.

(Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1705 SOFTBALL/BASEBALL FIELD RENTAL RATES(1) Adult Tournaments

- (a) Field Rental:
  - Resident \$ 60.00 per field per day
  - Non-Resident \$ 85.00 per field per day
- (b) Concession Stand  
(McNeil only) \$ 20.00 per day
- (c) Light Fee \$ 18.00 per hour
- (d) Deposits:
  - Bases \$150.00 per field
  - Keys \$ 50.00
  - Litter/Damage \$100.00 per complex

(2) Youth Tournaments

- (a) Field Rental \$ 25.00 per field per day
- (b) Light Fee \$ 18.00 per hour
- (c) Deposits:
  - Bases \$150.00 per field
  - Keys \$ 50.00
  - Litter/Damage \$100.00 per complex

(3) Softball/Baseball Camps/Clinics

- (a) Field Rental:
  - Adults \$100.00 per field per day
  - Youth \$ 50.00 per field per day
- (b) Light Fee \$ 18.00 per hour
- (c) Deposits:
  - Bases \$150.00 per field
  - Keys \$ 50.00
  - Litter/Damage \$100.00 per complex

(4) Select Leagues

- (a) Field Rental \$ 25.00 per field per day
- (b) Light Fee \$ 18.00 per hour
- (c) Deposits:
  - Keys \$ 50.00
  - Litter/Damage \$ 25.00 per field

(5) Practices

(a) Field Rental \$ 12.00 per field per hour

(6) School Tournaments

(a) Field Rental \$ 85.00 per field

(Ordinance No. 2593 of September 24, 1992 as amended by Ordinance No. G-96-04-25-9A of April 25, 1996, Ordinance No. G-98-02-26-9A of February 26, 1998, and Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1706 YOUTH SPORTS ASSOCIATION FACILITY FEES(1) Field Sports

All youth associations shall reimburse the city for the cost of marble dust and infield topping used.

(2) Pool Sports

(a) From May 1 to the date school begins in the Fall semester in accordance with the Round Rock Independent School District calendar, recreational swim teams shall pay the City twelve dollars (\$12.00) per hour for the Lake Creek Pool, and eighteen dollars (\$18.00) per hour for the Micki Krebsbach Pool for use for practices and/or swim meets.

(b) From the date school begins in the Fall semester in accordance with the Round Rock Independent School District calendar to April 30, recreational swim teams shall pay their pro-rata share of actual costs of operating and maintaining the pool.

(Ordinance No. G-96-04-25-9A of April 25, 1996 as amended by Ordinance No. G-03-03-06-8A1 of March 6, 2003 and Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1707 MUNICIPAL POOL ADMISSION\_\_\_\_\_(1) Daily Admissions Fees

	<b>Rock'n River Family Aquatic Center</b>	<b>Micki Krebsbach Pool</b>	<b>Lake Creek Pool</b>
Resident Youth (17 yrs & under)	\$2.00	\$1.50	\$1.00
Resident Adult (18 - 54)	\$3.00	\$2.50	\$2.00
Resident Senior (55 & over)	\$2.00	\$1.50	\$1.00
Non-Resident Youth (17 yrs & under)	\$3.00	\$2.50	\$2.00
Non-Resident Adult (18 - 54)	\$4.00	\$3.50	\$3.00
Non-Resident Senior (55 & over)	\$3.00	\$2.50	\$2.00

(2) Ten (10) Visit Pass Fees

	<b>Rock'n River Family Aquatic Center</b>	<b>Micki Krebsbach Pool</b>	<b>Lake Creek Pool</b>
Resident Youth (17 yrs & under)	\$15.00	\$11.25	\$7.50
Resident Adult (18 - 54)	\$22.50	\$18.75	\$15.00
Resident Senior (55 & over)	\$15.00	\$11.25	\$7.50
Non-Resident Youth (17 yrs & under)	\$25.00	\$21.25	\$17.50
Non-Resident Adult (18 - 54)	\$32.50	\$28.75	\$25.00
Non-Resident Senior (55 & over)	\$25.00	\$21.25	\$17.50

(3) Season Pool Passes

	RESIDENT	NON-RESIDENT	RESIDENT (after July 1st)	NON-RESIDENT (after July 1st)
Youth Pass	\$50.00	\$100.00	\$25.00	\$75.00
Adult Pass	\$75.00	\$125.00	\$37.50	\$87.50
Senior Pass	\$50.00	\$100.00	\$25.00	\$75.00
Family Pass	\$150.00	\$250.00	\$75.00	\$150.00

(Ordinance No. G-96-04-25-9A of April 25, 1996 as amended by Ordinance No. G-03-03-06-8A1 of March 6, 2003, Ordinance No. G-06-04-13-9C1 of April 13, 2006, and Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1708 RECREATION PROGRAMS

- (1) The fees charged for recreation classes, special events, and sports leagues shall be set by the Parks and Recreation Director subject to the approval of the City Manager.
- (2) Non-residents shall pay an additional fee per class, or sports leagues, which shall be set by the Parks and Recreation Director subject to the approval of the City Manager.

(Ordinance No. G-06-04-13-9C1 of April 13, 2006)

1.1709 REFUNDABLE DEPOSITS

A refundable deposit shall be charged for the use of facilities and equipment in addition to user fees. All deposits shall be returned if the users do not damage equipment, facilities, leave the facility in a litter free condition, and return equipment.

1.1710 WAIVING OF FEES

The city manager or his designee may waive all or a portion of a fee when appropriate.

(Ordinance No. 2267 of January 8, 1987)

**1.1711 PARKS IMPROVEMENT AND ACQUISITION ACCOUNT****(1) Establishment of Account**

A Parks Improvement and Acquisition account is hereby established.

**(2) Funds to be Deposited**

Contributions and donations from any source which are earmarked by the donee for use by the parks department shall be deposited in the Parks Improvement and Acquisition account.

**(3) Payments from Developers and Subdividers**

Payments of cash in lieu of land from developers and subdividers shall be deposited in the Parks Improvement and Acquisition account.

**(4) Use of Funds**

Expenditures from the Parks Improvement and Acquisition account shall be used exclusively for improvement of existing and future parks and for the acquisition of land for future parks.

(Ordinance No. 579 of January 11, 1979)

**SECTION 1.1700.1 AFTER-SCHOOL RECREATION PROGRAM STANDARDS OF CARE****1.1701.1 PURPOSE**

This Section and the Standards of Care established in this Section are adopted in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt the After-School Recreation Program from state child-care licensing requirements. These Standards of Care are intended to be minimum standards by which the City will operate its Parks and Recreation Department After-School Recreation Program. The Program operated by the City is recreational in nature and is not a child-care program.

**1.1702.1 EFFECTIVE DATE**

This Section and the After-School Recreation Program Standards of Care established in this Section expire on July 31, 2008, unless sooner terminated or extended by ordinance of the City Council.

**1.1703.1 DEFINITIONS**

For the purposes of this Section 1.1700.1, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) After-School Recreation Program or Program shall mean a City-sponsored recreational program for Youth that may be offered by the Parks and Recreation Department after school. The term does not include any program or activity to which attendees are free to come and go at will without regard to the presence of a Parent or other responsible adult to care for them.
- (2) After-School Counselor shall mean a part-time Employee of the Department who is responsible for providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.
- (3) After-School Assistant Supervisor shall mean a part-time Employee of the Department who is responsible for assisting the After-School Supervisor in scheduling and providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.
- (4) After-School Supervisor shall mean a part-time Employee of the Department who is responsible for scheduling and providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.
- (5) Department shall mean the Parks and Recreation Department of the City.
- (6) Director shall mean the Director of the Parks and Recreation Department or the Director's authorized representative.
- (7) Parent shall mean a person who:
  - (a) is a natural Parent, an adoptive Parent, or a step-parent of a Youth;
  - (b) is, under court order, the guardian of a Youth or is a public or private agency with whom a Youth has been placed by a court; or
  - (c) otherwise has legal custody or is the primary care giver and has the authority to enroll a Youth in the After-School Recreation Program.
- (8) Participant shall mean a Youth whose Parent has completed all required registration procedures and who is determined by the Director to be eligible to participate in the After-School Recreation Program.
- (9) Program Employee or Employee shall mean any person hired to work for the Department who is assigned responsibility for managing, administering, or implementing some portion of the After-School Recreation Program. The term includes Recreation Manager, Recreation Center Supervisor, Recreation Program Coordinator, After-School Supervisor, After-School Assistant Supervisor and After-School Counselor.
- (10) Program Manual shall mean a notebook of policies, procedures, required forms, and organizational and programming information relevant to the City's After-School Recreation Program, as promulgated or otherwise approved by the Director.

- (11) Program Site shall mean the main facility and administrative site for the After-School Recreation Program.
- (12) Recreation Center Supervisor shall mean a full-time professional Employee of the Department who is responsible for managing the recreational facility where the After-School Recreation Program is conducted and managing the daily operation of the After-School Recreation Program including activity planning, staff training, scheduling and supervision, enforcement of all rules and payroll.
- (13) Recreation Manager shall mean a full-time professional Employee of the Department who is responsible for the overall operation of the Clay Madsen Recreation Center, the Senior Center and city-wide community events, and assisting the Director.
- (14) Recreation Program Coordinator or Coordinator shall mean a full-time professional Employee of the Department who is responsible for managing and overseeing the planning, administration, and implementation of the After-School Recreation Program.
- (15) Standards of Care shall mean all provisions contained in this Section.
- (16) Youth shall mean a person who is not less than five years of age and no more than thirteen years of age.

#### 1.1704.1 ADMINISTRATION

- (1) The Director shall implement, administer, and enforce the After-School Recreation Program Standards of Care. The Director may by written order establish such rules, regulations, and policies, not inconsistent with this Section, as the Director determines are necessary to discharge any duty under or to affect the policy of this Section.
- (2) No After-School Recreation Program may be advertised as a child-care program or facility.
- (3) When registering for the After-School Recreation Program, each Participant's Parent will be provided a current copy of the Standards of Care and will be informed that the After-School Recreation Program is not licensed by the State of Texas. A current copy of the Standards of Care shall be maintained by the City Secretary and will also be available at the Program Site for inspection and review by the public and by Program Employees.
- (4) The Director, through the Human Resources Department of the City, shall cause a criminal background check to be conducted on each prospective After-School Recreation Program Employee who is eighteen years or older. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment:
  - (a) a felony or a misdemeanor classified as an offense against a person or family;

- (b) a felony or misdemeanor classified as public indecency;
  - (c) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (d) any offense involving moral turpitude; or
  - (e) any offense that would potentially put Youth Participants or the City of Round Rock at risk.
- (5) The provisions of this Section are administrative in nature and are not subject to criminal penalties.

#### 1.1705.1 INSPECTION, MONITORING AND ENFORCEMENT

- (1) The Recreation Center Supervisor, Coordinator, After-School Supervisor or After-School Assistant Supervisor shall initiate an inspection report for the After-School Recreation Program to confirm that the Standards of Care are being met. Each inspection report will be sent to the Recreation Manager for review and kept on record for at least three (3) years.
- (2) The Recreation Manager shall make a monthly inspection of the After-School Recreation Program Site for compliance with the Standards of Care and shall provide a report to the Director. The Director shall review the report and establish deadlines and criteria for Program compliance with the Standards of Care, as necessary.
- (3) Any complaint regarding enforcement of the Standards of Care at the After-School Recreation Program must be directed to the Recreation Center Supervisor or Coordinator. The Recreation Center Supervisor or Coordinator shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded by the Recreation Center Supervisor or Coordinator. The Director shall address any complaint regarding enforcement of the Standards of Care that cannot be resolved by the Recreation Center Supervisor or Coordinator.

#### 1.1706.1 ENROLLMENT

Before a Youth may be enrolled in the After-School Recreation Program, a Parent must sign registration forms that contain the following information:

- (1) the Youth's name, date of birth, age, address, home telephone number, grade level, and school name;
- (2) the name and address of each Parent, a home telephone number, and a telephone number where each Parent may be reached during Program hours;
- (3) the name and telephone number of the Youth's physician;

- (4) the name and telephone number of the person that can be contacted in case of an emergency if the Parent cannot be reached;
- (5) the name, telephone number, driver's license number and relationship to the Youth of each person to whom the child may be released;
- (6) a statement of the Youth's special problems or needs;
- (7) a statement of the Youth's allergic reactions;
- (8) a list of medications the Youth is taking;
- (9) transportation authorization and school information;
- (10) photo release;
- (11) an emergency medical authorization;
- (12) a liability waiver; and
- (13) an acknowledgment that the Parent has been informed and understands that the Program is not licensed by the State of Texas.

#### 1.1707.1 SUSPECTED ABUSE

Every Program Employee shall report suspected child abuse or neglect in accordance with the Texas Family Code.

#### 1.1708.1 RECREATION MANAGER: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The Recreation Manager must meet all of the following qualifications:
  - (a) Be at least 21 years of age;
  - (b) Have a bachelor's degree from an accredited college or university or the equivalent in one of the following areas:
    - (i) recreation administration or general recreation;
    - (ii) elementary education;
    - (iii) physical education; or
    - (iv) any other comparable degree plan that lends itself to working in a public recreation environment;
  - (c) Have four years of experience in providing recreation or leisure time services;

- (d) Have a minimum of one (1) year administrative and supervisory experience;
  - (e) Pass a background investigation including, but not limited to, testing for illegal substances; and
  - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The Recreation Manager is responsible for:
- (a) the overall operation of the Clay Madsen Recreation Center, the Senior Center and city-wide community events;
  - (b) providing staff assistance to the Director;
  - (c) monitoring Program compliance with appropriate federal, state and local rules and regulations; and
  - (d) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1709.1 RECREATION CENTER SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The Recreation Center Supervisor must meet all of the following qualifications:
- (a) Be at least 21 years of age;
  - (b) Have one of the following:
    - (i) a bachelor's degree from an accredited college or university with major course work in one of the following areas:
      - (A) recreation administration or general recreation;
      - (B) physical education; or
      - (C) any other comparable degree plan that lends itself to working in a public recreation environment; or
    - (ii) if a Bachelor's degree has not been obtained, then sixty semester hours from an accredited college or university, plus four (4) years experience in two (2) of the specialty areas provided in paragraph (c) below;
  - (c) Have two (2) years of experience in two (2) of the specialty areas listed below:
    - (i) recreation classes/programs;

- (ii) after school programs;
    - (iii) special events;
    - (iv) athletics/aquatics programs; and
    - (v) revenue based programs;
  - (d) Pass a background investigation including, but not limited to, testing for illegal substances; and
  - (e) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The Recreation Center Supervisor is responsible for:
- (a) planning, developing and implementing Programs, while managing daily facility and staff operations;
  - (b) maintaining appropriate records and preparing requested reports;
  - (c) managing the daily operation and usage of the recreation facility;
  - (d) assisting in the hiring of staff and monitoring staff performance; and
  - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1710.1 RECREATION PROGRAM COORDINATOR: QUALIFICATIONS AND RESPONSIBILITIES

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- (1) Each Coordinator must meet all of the following qualifications:
- (a) Be at least 21 years of age;
  - (b) Have a bachelor's degree from an accredited college or university in one of the following areas:
    - (i) recreation administration or general recreation;
    - (ii) elementary education;
    - (iii) physical education; or
    - (iv) any other comparable degree plan that lends itself to working in a public recreation environment;
  - (c) Have a minimum of two (2) years experience planning and implementing recreational activities or related experience;

- (d) Pass a background investigation including, but not limited to, testing for illegal substances;
  - (e) Have successfully completed a course and obtained certification in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
  - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) A Coordinator is responsible for:
- (a) planning, implementing, managing, evaluating, supervising and directing the After-School Recreation Program;
  - (b) administering the daily operations of the After-School Recreation Program in compliance with the Standards of Care;
  - (c) enforcing the Standards of Care;
  - (d) supervising, and evaluating After-School Recreation Program Staff; and
  - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1711.1 AFTER-SCHOOL SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The After-School Supervisor must meet all of the following qualifications:
- (a) Be at least 19 years of age;
  - (b) Have experience in one of the following areas:
    - (i) recreation administration or general recreation;
    - (ii) elementary education;
    - (iii) physical education; or
    - (iv) any other experience that lends itself to working in a public recreation environment;
  - (c) Have a minimum of one (1) year experience planning and implementing recreational activities or related experience;
  - (d) Pass a background investigation including, but not limited to, testing for illegal substances;

- (e) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
  - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The After-School Supervisor is responsible for:
- (a) managing the daily operations of the After-School Recreation Program in compliance with the Standards of Care;
  - (b) enforcing the Standards of Care;
  - (c) scheduling, supervising, training and preparing the payroll of Employees for the After-School Recreation Program;
  - (d) planning, implementing, and evaluating the After-School Recreation Program; and
  - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

## 1.1712.1

AFTER-SCHOOL ASSISTANT SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The After-School Assistant Supervisor must meet all of the following qualifications:
- (a) Be at least 19 years of age;
  - (b) Have a high school diploma or equivalent;
  - (c) Have experience working with school age children in a recreational or childcare setting;
  - (d) Pass a background investigation including, but not limited to, testing for illegal substances;
  - (e) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
  - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The After-School Assistant Supervisor is responsible for:

- (a) assisting the After-School Supervisor in scheduling and providing a developmentally appropriate and safe recreational environment for the Youth;
- (b) assisting the After-School Supervisor in the daily operations of the After-School Recreation Program in compliance with the Standards of Care while keeping in close contact with the Coordinator;
- (c) assisting the After-School Supervisor in keeping track of supplies and inventory;
- (d) overseeing an assigned group and ensuring that proper disciplinary procedures are being practiced; and
- (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1713.1 AFTER-SCHOOL COUNSELORS: QUALIFICATIONS AND RESPONSIBILITIES

- (1) Each Counselor must meet all of the following qualifications:
  - (a) Be sixteen years of age or older;
  - (b) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
  - (c) Pass a background investigation including, but not limited to, testing for illegal substances.
- (2) A Counselor is responsible for:
  - (a) planning and conducting activities, while interacting and supervising Youth; and
  - (b) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1714.1 TRAINING AND ORIENTATION

- (1) The Department shall provide training and orientation to Program Employees relating to working with Youth in general and relating to the specific job responsibilities of each Employee. The Recreation Center Supervisor or a Coordinator shall provide Staff with a Program Manual specific to the After-School Recreation Program.

- (2) Each Program Employee will be trained in appropriate procedures for handling emergencies and in other areas including, but not limited to, City, departmental, and Program policies and procedures, provision of recreational activities and safety issues.
- (3) Each Program Employee shall be familiar with these Standards of Care for the After-School Recreation Program and with all Program policies, including, but not limited to, check-in and check-out, late pick-up, discipline and release of Participants, as outlined in the Program Manual.
- (4) Each Program Employee will be required to sign an acknowledgment that the Employee received the training required under this Section.

#### 1.1715.1 STAFF PARTICIPANT RATIO

- (1) In the After-School Recreation Program, the maximum ratio of Participants to Staff will be 15 to 1.
- (2) At all times at least one Employee who is sixteen years of age or older must be present at the Program Site.

#### 1.1716.1 DISCIPLINE

- (1) A Program Employee shall implement discipline and guidance in a consistent manner based on the best interests of Program Participants.
- (2) No corporal punishment or treatment may be used. A Program Employee may use brief, supervised separation of a Participant from the group, if necessary.
- (3) As necessary, Program Employees shall provide discipline reports to the Parents of Participants. A Parent will be asked to sign a Participant's discipline report to indicate that the Parent has been advised about a specific problem or incident.
- (4) An excessive number of discipline reports or discipline reports of a severe nature, as described in the Program Manual, may result in a Participant being suspended from a Program.
- (5) Any Participant who poses a danger to other Participants or staff will be removed from the Program Site as soon as possible.

#### 1.1717.1 PROGRAMMING

- (1) A Program Employee shall plan, organize, instruct, direct and provide activities according to the Participants' ages, interests, and abilities. The activities shall be appropriate, structured and well prepared to each Participant's health, safety, and well-being. The activities shall also be flexible and promote each Participant's emotional, social, and mental growth.

- (2) A Program Employee shall encourage all Youth to participate in the various Program activities.
- (3) A Program Employee shall stress friendliness, fair play and good sportsmanship to all Participants.
- (4) A Program Employee shall be attentive and considerate of the Participants' safety on field trips and during any transportation provided by the Program. A Program Employee must have a written list of all Participants in each group and shall check the roll frequently.
- (5) During trips, each Program Employee who supervises Participants shall maintain immediate access to the emergency medical forms and emergency contact information for each Participant. First aid supplies and a guide to first aid and emergency care must be readily available to each Program Employee on every field trip.

#### 1.1718.1 COMMUNICATION

The Program Site must have a mobile telephone/radio for use in contacting Department personnel and making emergency calls.

#### 1.1719.1 TRANSPORTATION

- (1) Before a Participant may be transported to or from a City-sponsored activity, a transportation form, completed by a Parent of the Participant, must be filed with a Coordinator.
- (2) Every Program vehicle used for transporting Youth Participants must be equipped with:
  - (a) first aid supplies and a first aid and emergency care guide that are easily accessible to Program Employees in the vehicle; and
  - (b) an operable portable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to Program Employees in the vehicle.

#### 1.1720.1 RELEASE OF PARTICIPANTS

- (1) A Participant will be released from the After-School Recreation Program only to a Parent or to a person designated by the Parent in the registration forms.
- (2) If the Parent or other person designated by the Parent to pick up the Youth is unknown to Program staff, a Participant will be released from the After-School Recreation Program only after photo identification is reviewed against the information provided in the registration forms.

1.1721.1 FACILITY STANDARDS(1) Safety

- (a) Program Employees shall inspect the Program Site daily to detect sanitation and safety concerns that might affect the health and safety of the Participants. All sanitation or safety concerns shall be reported by Program Employees to the Coordinator or Recreation Center Supervisor, who will keep a log of the concerns reported and how each concern was handled. The log will be kept for a minimum of three (3) years.
- (b) All buildings, grounds, and equipment at the Program Site must be inspected, cleaned, repaired, and maintained to protect the health of the Participants. Program Employees shall report any needed repairs or damage to the recreation facility to the Coordinator or Recreation Center Supervisor. The Coordinator or Recreation Center Supervisor will cause the repair or damage to be taken care of immediately and will keep a log of the outcome for a minimum of three (3) years.
- (c) All equipment and supplies used in a Program must be safe for use by the Participants.
- (d) First aid supplies must be readily available to all Program Employees at the Program Site, during transportation to an off-site activity, and for the duration of any off-site activity. A Program Employee shall maintain first aid supplies in a designated location, readily available to staff. Each Program Employee must at all times have immediate access to a guide to first aid and emergency care.
- (e) Air conditioners, electric fans, and heaters at the Program Site must be mounted out of the Participants' reach or have safeguards that keep Participants from being injured.

(2) Fire

- (a) In case of fire, danger of fire, explosion, or any other emergency, a Program Employee's first priority is to evacuate the Participants to a designated safe area.
- (b) The Program Site must have at least one fire extinguisher that is readily available to all Program Employees.
- (c) Fire drills will be initiated at the Program Site twice a year.

(3) Health

- (a) Illness or injury.
  - (i) A Youth who is considered to be a health or safety concern to other Participants or Employees will not be admitted to a Program.

- (ii) Illnesses and injuries will be handled in a manner that protects the health of all Participants and Employees.
  - (iii) A Program Employee shall follow plans to provide emergency care for injured Participants with symptoms of an acute illness as specified in the Program Manual.
  - (iv) Each Program Employee shall follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.
- (b) Medication.

Program Employees shall not be permitted to administer, dispense or store medication, including injections, for a Participant.
- (c) Toilet facilities.

The Program Site must have toilets located and equipped so that Participants can use them independently and Program Employees can supervise as needed.
- (d) Sanitation.
  - (i) The Program Site must have adequate light, ventilation, and heat.
  - (ii) The Program must be provided with an adequate supply of water meeting the standards of the Texas Department of Health for drinking water. A Program Employee shall ensure that water is supplied to Participants in a safe and sanitary manner.
  - (iii) Program Employees shall ensure that garbage is removed daily from the Program Site and ensure that all food and crumbs have been swept and thrown away.

(Ordinance No. G-06-07-27-10C1 of July 27, 2006 as amended by Ordinance No. G-07-07-26-9B1 of July 26, 2007)

**SECTION 1.1800 HOTEL OCCUPANCY TAX****1.1801 DEFINITIONS**

- (1) Consideration shall mean the cost of the room in a hotel only if the room is ordinarily used for sleeping, and not including the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.
- (2) Hotel shall mean any buildings in which the public may, for a consideration, obtain sleeping accommodations, including hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, bed and breakfast facilities, or other buildings where rooms are furnished for a consideration. The term does not include: a) hospitals, sanitariums, or nursing homes; or b) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.
- (3) Occupancy shall mean the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping and if the occupant is other than a permanent resident as hereinafter defined.

- (4) Occupant shall mean anyone, who, for a consideration uses, possesses, or has a right to use or possess any room or rooms in a hotel under any lease, concession, permit, right of access, license, contract or agreement, other than a permanent resident as hereinafter defined.
- (5) Permanent Resident shall mean any occupant who has or shall have the right to occupancy of any room or rooms in a hotel for at least thirty (30) consecutive days, so long as there is no interruption of payment for the period.
- (6) Person shall mean any individual, company, corporation, or association owning, operating, managing, or controlling any hotel.
- (7) Quarterly Period shall mean the regular calendar quarters of the year, the first quarter being composed of the months of October, November, and December; the second quarter being the months of January, February, and March; the third quarter being the months of April, May, and June; and the fourth quarter being the months of July, August, and September.
- (8) Tax Assessor-Collector shall mean the Director of Finance of the City.

#### 1.1802 LEVY OF TAX; AMOUNT AND EXCEPTIONS

There is hereby levied a tax of seven (7) percent of the price paid for a room in a hotel on every person who, under a lease, concession, permit, right of access, license, contract or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs two dollars (\$2.00) or more each day, and is ordinarily used for sleeping. The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except those services related to the cleaning and readying of the room for possession.

Exceptions are as follows:

- (1) No tax shall be imposed hereunder upon a permanent resident.
- (2) No tax shall be imposed hereunder for federal or state employees traveling on business.
- (3) No tax shall be imposed hereunder for diplomatic personnel who present a tax exemption card issued by the United States Department of State.
- (4) No tax shall be imposed hereunder for federal or state military personnel traveling on official military business. This exemption does not cover military staff on leave or between stations.
- (5) No tax shall be imposed hereunder for state officers or employees who present a tax exemption card issued by a governmental entity of the State of Texas.

- (6) State officers or employees traveling on business who do not present a tax exemption card issued by a governmental entity of the State of Texas are subject to the tax imposed hereunder; however, the state governmental entity with whom the state officer or employee is associated is entitled to a refund of the tax paid.
- (7) To receive a refund of the tax paid hereunder, the governmental entity entitled to a refund must file a refund claim form provided by the city and containing the information required by the city. The governmental entity entitled to claim a refund may file only one claim form with the city for each calendar quarter for all reimbursements accrued during that quarter.

### 1.1803 COLLECTION OF TAX

- (1) Every person, owning, operating, managing, or controlling any hotel shall collect the tax levied by this section for the City of Round Rock.
- (2) The hotel operator shall be entitled to one (1) percent of the hotel occupancy tax revenues collected as reimbursement for the operator's administrative costs for collecting the tax. However, hereinbelow provided, this reimbursement may be forfeited at the discretion of the city if the hotel operator fails to timely pay over the tax or timely file a report as required by the city or file a false report with the city.

#### 1.1803.1 COLLECTION PROCEDURES ON PURCHASE OF HOTEL

- (1) If a person who is liable for the payment of a tax imposed hereunder is the owner of a hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt by the Director of Finance showing that the amount has been paid or a certificate showing that no tax is due.
- (2) The purchaser of a hotel who fails to withhold an amount of the purchase price as required is liable for the amount required to be withheld to the extent of the value of the purchase price of the hotel.
- (3) The purchaser of the hotel may request that the Director of Finance issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The Director of Finance shall issue the certificate or statement not later than the sixtieth (60th) day after the date that he receives the request.
- (4) If the Director of Finance fails to issue the certificate or statement within sixty (60) days after the date that he receives the request, the purchaser of the hotel is released from the obligation to withhold the purchase price or pay the amount due.

1.1804 QUARTERLY REPORTS TO TAX ASSESSOR-COLLECTOR

On the last day of the month following each quarterly period, (beginning the last day of the month following the second quarterly period of calendar year 1989), every person required to collect the tax imposed hereby shall file a report with the Director of Finance showing the price paid for all room occupancies in the preceding quarter, the amount of tax collected on such occupancies, and any other information the Director of Finance may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report. The report shall be in a form prescribed by the Director of Finance. The Director of Finance is hereby authorized and directed to do all such things necessary or convenient to carry out the terms of this section. The Director of Finance shall have the authority to request and receive within a reasonable time documentation of information contained in the report to the city by the hotel.

1.1805 RULES AND REGULATIONS OF TAX ASSESSOR-COLLECTOR;  
ACCESS TO BOOKS AND RECORDS

The Director of Finance shall have the power to make such rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby, and shall upon reasonable notice, have access to books and records necessary to enable him to determine the correctness of any report filed as required herein by this section, and the amount of taxes due under the provisions of this section.

1.1806 PENALTIES

- (1) If any person shall fail to file a report, as required herein or shall file a false report, or shall fail to pay to the Director of Finance the tax imposed herein when said report or payment is due, he shall forfeit five (5) percent of the amount due as penalty, and after the first thirty (30) days he shall forfeit an additional five (5) percent of such tax. However, such penalty shall never be less than one dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten (10) percent per annum beginning sixty (60) days from the due date.
- (2) Any person violating any of the provisions of this section, including hotel operators who fail to collect the tax, fail to file a return, file a false return, or who are delinquent in their tax payment, shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed five hundred dollars (\$500.00), and each twenty-four (24) hours of any such violation shall constitute a separate offense.

1.1807 ADDITIONAL PENALTIES

The city is hereby authorized to take the following actions against any person required to collect the tax imposed hereby and pay the collection over to the city and who has failed to file a report, or filed a false report, or failed to pay the tax when due:

- (1) Require the forfeiture of any revenue the city allowed the hotel operator to retain for its cost of collecting the tax;

- (2) Bring suit against the hotel operator for noncompliance; and/or
- (3) Bring suit against the hotel operator seeking any other remedies provided under Texas law.

#### 1.1808 ADDITIONAL AUTHORIZATION TO BRING SUIT

The city attorney is hereby authorized to bring suit against any person required to collect the tax imposed hereby and required to pay the collection over to the city and who has failed to file a report, or filed a false report, or failed to pay the tax when due. Such suit may seek to collect such tax not paid or to enjoin such person from operating a hotel in the city until the tax is paid or the report is filed or both, as applicable and as provided in the injunction. In addition to the amount of any tax owed to the city, the person is liable to the city for the city's reasonable attorney's fees and a penalty equal to fifteen (15) percent of the total amount of the taxed owed.

#### 1.1809 USE OF REVENUE DERIVED FROM LEVY OF HOTEL OCCUPANCY TAX

The revenue derived from any hotel occupancy tax imposed and levied by this section may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

- (1) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both (as such are defined in V.A.T.S. Tax Code, Section 351.001);
- (2) The furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- (3) Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- (4) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and
- (5) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
  - (a) Which are at or in the immediate vicinity of convention center facilities or visitor information centers; or

- (b) Which are located elsewhere in the municipality or its vicinity that would be frequented by tourists, convention delegates, or other visitors to the municipality.

Revenue derived from the hotel occupancy tax shall be expended only in a manner which directly enhances and promotes tourism and the convention and hotel industry as hereinbefore delineated. Such revenue shall not be used for the general revenue purposes or general governmental operations of the municipality.

#### 1.1810 ALLOCATION OF REVENUE

- (1) Not less than the amount of revenue received by the city from the tax at a rate of one (1) percent of the cost of the room shall be allocated for the purposes provided in Section 1.1809(3) above.
- (2) Not more than fifteen (15) percent of the hotel occupancy tax revenue collected by the city or the amount of tax received by the city at the rate of one (1) percent of the cost of the room, whichever is greater, may be used for the purpose provided by Section 1.1809(4) above.
- (3) If the city does not allocate any hotel occupancy tax revenue for the purposes provided by Section 1.1809(1) above, then the city may allocate not more than fifty (50) percent of the hotel occupancy tax revenue collected by the city for the purposes provided by Section 1.1809(5) above.

#### 1.1811 ADMINISTRATIVE REQUIREMENTS; ACCOUNTABILITY; KEEPING OF RECORDS

- (1) The city council may, by contract, delegate to a person, including another governmental entity or a private organization, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax. The city council shall approve in writing in advance the annual budget of the entity to which it delegates those functions, and shall require the entity to make periodic reports to the city council at least quarterly listing the expenditures made by the entity of revenue from the tax provided by the city.
- (2) The entity must maintain revenue provided by the municipality from the tax in a separate account established for that purpose and may not commingle that revenue with any other money or maintain it in any other account.
- (3) The municipality may not delegate to any person or entity the management or supervision of its convention and visitors programs and activities funded with revenue from the hotel occupancy tax other than by contract as provided herein.
- (4) The approval by the city council of the annual budget of the entity to which these functions are delegated creates a fiduciary duty in the person or entity with respect to the revenue provided by the municipality to the person or entity under the contract.

- (5) A person or entity with whom the municipality contracts to conduct authorized activities shall maintain complete and accurate financial records of each expenditure of hotel occupancy tax revenue made by the person or entity and, on request of the city council or other authorized person, shall make the records available for inspection and review.
- (6) Hotel occupancy tax revenue spent for authorized purposes may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures hereinbefore authorized. If the municipality or other entity conducts an activity for which hotel occupancy tax revenue may be used, and such activity is a joint activity with another non-authorized activity, then the portion of the total administrative costs of the entity for which hotel occupancy tax revenue may be used may not exceed the portion of those administrative costs actually incurred in conducting the activities for which the hotel occupancy tax revenue may be used.
- (7) Hotel occupancy tax revenue may not be spent for travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner.

#### 1.1812 EFFECTIVE DATE

The hotel occupancy tax authorized herein shall become effective commencing on the first day of the month following the date upon which this section, or an amended form thereof, has been adopted and enacted by the city.

(Ordinance No. 2486 of June 28, 1990 as amended by Ordinance No. G-99-03-25-9B2 of March 25, 1999)

**SECTION 1.1900 CITY LIBRARY****1.1901 LIBRARY BOARD CREATED**

**Editor's Note** - Ordinance No. 903 of June 11, 1981 creating the Library Board was repealed on June 25, 1992 by Ordinance No. 2577.

**1.1902 LIBRARY CARDS AND FEES****(1) Card Required**

No person shall be allowed to check out any library books unless that person has been issued a valid library card.

(Ordinance No. 931 of December 22, 1981)

**(2) Library Card Fee**

(a) No library card fee shall be charged to a resident of the city or to a non-resident who owns real property within the city according to the records maintained by the city tax office, provided that the non-resident also has no delinquent property taxes due at the time the card is issued.

(b) No library card fee shall be charged to a non-resident full time employee of the City of Round Rock.

**(c) TexShare Cardholders**

No library card fee shall be charged for participants in the TexShare Card System, established under the Texas Government Code, Chapter 441. Libraries and Archives, Subchapter M. Texshare Library Consortium.

(d) Except as otherwise provided, all other non-residents shall be charged an annual non-refundable library card fee of twenty-five (\$25.00) dollars per person or forty (\$40.00) dollars per family for the issuance of a library card.

(e) The library card fee shall be waived for persons who reside within the Round Rock Independent School District (RRISD) and meet the requirements for the National School Lunch Program, as set out in Title 7 of the Code of Federal Regulations, Part 210.

(f) Waiver and Reduced Cost for Non-Resident Fees for Library Services Provided May 26 through August 11, 2007

(i) This subsection applies only to children aged 5-18 years who live outside of the corporate city limits of Round Rock, but within the Round Rock Independent School District and will be attending a Round Rock Independent School District school in the fall of 2007.

- (ii) Persons covered by this subsection are eligible to obtain a library card for use from May 26 through August 11, 2007 according to the following choices:
  - (A) Free Card: Holder is limited to 5 checked out items at any one time. Holder may not participate in summer reading program awards and prizes. The card is only valid between May 26 and August 11, 2007.
  - (B) \$7.00 Card: Holder is entitled to make use of the complete range of library services between the dates of May 26 through August 11, 2007.

This subsection (f) will expire by operation of law at the end of the day on August 11, 2007. Upon its expiration, the requirements pertaining to library card fees will revert back to the provisions contained in subsections (a) through (e).

(Ordinance No. 2148 of February 14, 1985 as amended by Ordinance No. 2511 of October 23, 1990, Ordinance No. 2591 of September 24, 1992, Ordinance No. G-95-10-12-12A of October 12, 1995, and Ordinance No. G-99-08-26-9A1 of August 26, 1999, Ordinance No. G-03-05-22-10B1 of May 22, 2003, and Ordinance G-07-04-26-11A1 of April 26, 2007)

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(3) Late Return Fees

Fees shall be paid by the borrower for failure to return, at the date due, any books or other library materials and equipment which have been loaned to holders of library cards. Late fees are as follows:

- 20¢ per day per book for young children books (BB, E, ENF, ER) with a maximum of \$8.00.
- 20¢ per day per book for all other circulating book material and audio cassettes with a maximum of \$8.00.
- 20¢ per day per videocassette and DVDs with a maximum of \$8.00.

(Ordinance No. G-05-05-26-11C1 of May 26, 2005)

(4) Miscellaneous Fees

The following miscellaneous library fees shall be charged to the borrower:

- Lost card replacement - \$1.00
- Book reserve fee - 50¢ per item
- Interlibrary loan for incoming materials - postage and miscellaneous user fees charged by the lending library.
- Interlibrary loan for outgoing materials - postage, photocopy fees and any and all other miscellaneous user fees shall be charged to borrowing libraries according to the rates in their lending policies, if any.

(5) Fees for Damaged or Lost Material(a) Damaged Books:

- Torn page, repairable: 50¢ per page
- Scribbled page, repairable, readable: 75¢ per page
- Damaged spine, repairable in house: \$2.00
- Damaged plastic cover: \$1.00
- Damaged/missing book barcode: 75¢
- Missing or damaged pages, up to 5 pages, black and white image: \$3.00 if a photocopy can be located

(b) Lost and Damaged Book Replacements

- (i) Materials owned by the Round Rock Public Library will be replaced and the customer charged full replacement and processing costs for the type of damages listed below, with the exception of damage costs provided in (a) above:
  - Water damage.
  - Damaged spine, irreparable (including binding by a vendor).
  - Missing or damaged page and item cannot be found.
  - More than 5 pages of an item that are missing or damaged.
  - Lost, cannot be found.

- (ii) The customer will be charged the replacement cost (including any unique binding or storage units) plus processing fees listed in (iii) below. Annual standard pricing from professional book review material, grouped by subject area and age level and relevant to public libraries, will be used to determine replacement costs for books other than those listed below that are no longer in print or distribution. The pricelist will be updated annually by the City of Round Rock Library staff.

Exceptions to this procedure for print material:

Juvenile paperbacks:	\$6.00
Board books:	\$5.00

As a similar listing for audiovisual material does not exist, such material that is no longer in distribution will be replaced at the following default prices:

Audiobooks (Books on Tape)

Single cassette, unabridged:	\$10.00
Single cassette, abridged:	\$10.00
Set, unabridged:	\$60.00
Set, abridged:	\$30.00

Books on CD

Single CD, unabridged:	\$18.00
Single CD, abridged:	\$18.00
Set, unabridged:	\$85.00
Set, abridged:	\$35.00

Music CDs

Single CD:	\$18.00
2 disk set	\$30.00
3 or more disk set	\$45.00

VHS tapes

Per tape	\$18.00
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DVD

Per disc	\$18.00
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(Ordinance No. G-05-05-26-11C1 of May 26, 2005)

- (iii) Book processing fees will be charged on the following type of book and magazine materials:
- Adult hardcover: \$ 8.00
  - Adult paperback requiring rebinding: \$12.00
  - Children's material with a replacement cost greater than \$6.00:
    - Hardcover: \$8.00
    - Paperback rebinding: \$12.00
    - For books costing less than \$6.00: \$.5.00

(c) Other Library Materials in Book Format

- Fotonovells: Replacement cost is \$1.75. No processing fee is charged.
- Interlibrary loan materials will be replaced at the rate required by the sending library.

(d) Lost and Damaged Audio, Video, CD, and DVD Cases

Damaged cases are considered cases that no longer protect the contents of the items enclosed due to damage and not to normal wear and tear. Damaged cases will be replaced with new cases; they will not be repaired. Prices below reflect actual case cost and processing fees:

- Video cases: \$5.50 (includes a \$3.00 processing fee)
- Audio cases to hold the following (includes a \$3.00 processing fee):
  - 1 tape: \$ 7.00
  - 2 tapes: \$ 7.00
  - 3 tapes: \$ 8.00
  - 4 tapes: \$ 9.00
  - 6 tapes: \$10.00
  - 8 tapes: \$10.00
  - 12 tapes: \$11.00
- CD cases to hold the following (includes a \$4.00 processing fee):
  - 1 CD: \$10.00
  - 2 CDs: \$11.00
  - 4 CDs: \$11.00
  - 6 CDs: \$12.00
  - 8 CDs: \$13.00
  - 10 CDs: \$14.00
  - 12 CDs: \$15.00
  - 14 CDs: \$16.00
  - 16 CDs: \$18.00
  - 20 CDs: \$19.00
- DVD Cases: \$5.00 (includes a \$4.00 processing fee)

(e) Lost and Damaged Audios, Videos, CDs and DVDs

Damaged items will be treated as lost, as these media formats have little use when damaged. In addition to the charges listed below, each single item (not including set or title) will have a \$6.00 processing fee.

- (i) Audiocassettes:
  - Unabridged materials: \$10.00 per damaged or missing cassette. This pricing is for materials damaged or lost and we have a single cassette replacement agreement with a distributor or manufacturer. For unabridged materials that do not have this agreement, one damaged audiocassette will result in full replacement cost for the entire set plus processing fees as indicated above.
  - Abridged materials: In most cases abridged materials will be replaced at the current replacement cost for a complete set.
    - 1-15 uses, full replacement cost+ processing fee per item in set
    - 16-25 uses, ½ full replacement cost+ processing fee per item in set
    - 26+ uses, no charge

- (ii) Videotapes:
  - 1-75 uses, full replacement cost+ processing fee per item in set
  - 76-150 uses, ½ full replacement cost+ processing fee per item in set
  - 151+ uses, no charge
- (iii) CDs:
  - 1-25 uses: Full replacement cost+ processing fee per item in set
  - 26-50 uses: Half replacement cost+ processing fee per item in set
  - 51 and above, no charge
- (iv) DVD's:
  - Full replacement cost regardless of age of material+ processing fee per item in set

(Ordinance No. 2591 of September 24, 1992 as amended by Ordinance No. G-96-05-23-13A of May 23, 1996 and Ordinance No. G-99-08-26-9A1 of August 26, 1999 as amended by Ordinance No. G-03-05-22-10B1 of May 22, 2003)

(6) Equipment and Building Use Fees

(a) The following library equipment fees shall be charged:

- Public access computers (in-house use):
  - 10¢ per page printed, even if paper is supplied by user
- Paper - 5 sheets for 10¢
- Photocopies (in-house use):
  - 10¢ per page, black and white
  - \$1.00 per page, color
- Floppy Diskettes - \$1.00

(b) Meeting Room Use and Fees

- (i) Non-profit users: Non-profit corporations are defined as entities meeting the qualifications of Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code. The organization's legal place of business or a current executive board member must reside within the city limits to receive the non-profit rate.
- (ii) State and County government. The library will waive the fees for state and county government for four hours a month. However, such agencies will pay for kitchen and equipment use at the prevailing rates and will be billed for any damage to the facility. Security deposits are waived for the four free hours a month.
- (iii) Co-sponsorship of programs. The library will provide co-sponsorship of programs with non-profit corporations that provide similar programs as the library, this includes, but is not limited to, genealogy training, booksales, and reading programs that expand upon core library services.

The library will waive the room rental fee under such co-sponsored programs. Other fees, such as kitchen use and equipment, may also be waived when the use of the room is open to the general public without a fee and is not used by a group primarily for their membership. The Library Director is authorized to approve co-sponsorships resulting in waived fees.

Co-sponsorship requires advertising stating that the Round Rock Public Library System or the City of Round Rock is a co-sponsoring agency, which will be provided on any advertising done by both parties. Other City departments may co-sponsor programs and receive the same benefit. All damage will be paid by the non-profit corporation using the facility, not the library or other City agencies. However, other co-sponsoring City agencies will be responsible for maintaining communication and obtaining such fines or fees from the non-profit corporation as may be levied for misuse of City property.

Under no condition will the library co-sponsor a program with a for-profit corporation where the sole goal is for the financial benefit of the agency. The library may, however, include for-profit corporations as part of a planned library program where such corporations enhance the library's programming, such programming includes, but is not limited to, a puppeteer during the Summer Reading Program or a paid trainer for computer training for the aging.

- (iv) Set up. Rooms are set up and returned to their original state by the user of the room. Equipment that is leased ahead of time will be set up and operational prior to the reserved time for the room. Equipment that is not leased ahead of time will be leased at a 50% surcharge and will be set up and operational at the reserved time for the room. The room rates do not include any form of set up assistance other than that of equipment use.

**HENRY LATHIN MEETING ROOM A OR B**

<b>Group type</b>	<b>Rate</b>	<b>Length of Time</b>	<b>Additional Fees</b>	<b>Notes</b>
Resident - Non-profit	\$15.00	2 hour minimum	\$15.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$15.00 per hour with a \$120.00 daily maximum.
Non-resident - Non-profit	\$20.00	2 hour minimum	\$20.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$20.00 per hour with a \$160.00 daily maximum.
Resident - Private individuals, organizations, businesses	\$70.00	2 hour minimum	\$70.00 per hour thereafter	May be used at this rate only 1 day per month. Additional use is \$70.00 per hours with a \$560.00 daily maximum.
Non-Resident - Private individuals, organizations, businesses	\$90.00	2 hour minimum	\$90.00 per hour thereafter	May be used at this rate only 1 days per month. Additional use is \$90.00 per hours with a \$720.00 daily maximum.
<b>Additional Fees</b>				
Kitchen Use	\$10.00	Hourly rate, maximum \$40.00 per day. Non-refundable.		
Security Deposit	\$100.00	Not refunded if cancellation made within 7 days of the date of the event. Not refunded if the room is not left in the condition in which it was borrowed.		
Equipment	As indicated	Reserved ahead of time: Overhead projector, \$10.00; VCR/TV set up, \$25.00; Computer projector, \$100.00. Not reserved ahead of time: 50% increase from base rate for each type of equipment.		

**HENRY LATHIN MEETING ROOM - COMBINED A AND B**

<b>Group type</b>	<b>Rate</b>	<b>Length of Time</b>	<b>Additional Fees</b>	<b>Notes</b>
Resident - Non-profit	\$25.00	2 hour minimum	\$25.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$25.00 per hour with a \$200.00 daily maximum.
Non-resident - Non-profit	\$32.00	2 hour minimum	\$32.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$32.00 per hour with a \$256.00 daily maximum.
Resident - Private individuals, organizations, businesses	\$100.00	2 hour minimum	\$100.00 per hour thereafter	May be used at this rate only 1 day per month. Additional use is \$100.00 per hour with an \$800.00 daily maximum.
Non-Resident - Private individuals, organizations, businesses	\$125.00	2 hour minimum	\$125.00 per hour thereafter	May be used at this rate only 1 day per month. Additional use is \$125.00 per hours with a \$1,000.00 daily maximum.
<b>Additional Fees</b>				
Kitchen Use	\$16.00	Hourly rate, maximum \$64.00 per day. Non-refundable.		
Security Deposit	\$160.00	Not refunded if cancellation made within 14 days of the date of the event. Not refunded if the room is not left in the condition in which it was borrowed.		
Equipment	As indicated	Reserved ahead of time: Overhead projector, \$10.00; VCR/TV set up, \$25.00; Computer projector, \$100.00. Not reserved ahead of time: 50% increase from base rate for each type of equipment.		

**CHILDREN'S AREA ROOM**

<b>Group type</b>	<b>Rate</b>	<b>Length of Time</b>	<b>Additional Fees</b>	<b>Notes</b>
Resident - Non-profit	\$10.00	2 hour minimum	\$10.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$10.00 per hour with a \$80.00 daily maximum.
Non-resident - Non-profit	\$15.00	2 hour minimum	\$12.00 per hour, added onto the 2 hour	May be used at this rate only 1 time per month. Additional use is \$15.00 per hour with a \$120.00 daily maximum.
Resident - Private individuals, organizations, businesses	\$20.00	2 hour minimum	\$15.00 per hour thereafter	May be used at this rate only 1 time per month. Additional use is \$20.00 per hour with a \$160.00 daily maximum.
Non-Resident - Private individuals, organizations, businesses	\$25.00	2 hour minimum	\$19.00 per hour thereafter	May be used at this rate only 1 time per month. Additional use is \$25.00 per hour with a \$200.00 daily maximum.
<b>Additional Fees</b>				
Security Deposit	\$50.00	Not refunded if cancellation made within 7 days of the date of the event. Not refunded if the room is not left in the condition in which it was borrowed.		
Equipment	As marked	Reserved ahead of time: Overhead projector, \$10.00; VCR/TV set up, \$25.00; Computer projector, \$100.00. Not reserved ahead of time: 50% increase from base rate for each type of equipment.		

(Ordinance No. 2591 of September 24, 1992 as amended by Ordinance No. G-96-05-23-13A of May 23, 1996 as amended by Ordinance No. G-99-08-26-9A1 of August 26, 1999 and Ordinance No. G-03-05-22-10B1 of May 22, 2003)

(7) Computer Lab

- (a) The computer lab was funded by the Telecommunications Infrastructure Fund and as such has certain limitations in its use. The computer lab may be used by non-profit and governmental entities (state, county, and school district) when such use is compatible with the mission of the public library.

- (b) The fee for the computer lab is \$100.00 per hour with a maximum of \$400.00 per day. This will provide the services of installation of specialized software, access to the internet, and cleaning up of the computer stations after the use of the computer lab.
- (c) The lab may be reserved up to 60 days ahead of time. Library programming will take priority in the use of the computer lab.
- (d) The library may waive such fees when the event is cosponsored by the public library and training or services are open to the general public. Co-sponsorship requires advertising of the cooperative programming by the Round Rock Public Library System on all print media and other advertising provided by both parties. The Library Director is authorized to waive such fees.
- (e) The computer lab is not available to the for-profit market.

(Ordinance No. G-03-05-22-10B1 of May 22, 2003)

#### 1.1903 NONCOMPLIANCE WITH LIBRARY RULES

- (1) Any person who shall take from the public library any book, pamphlet, periodical, paper, or other property, except in accordance with the rules of the library, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided for in Section 1.602 of this Code of Ordinances.

(Ordinance No. 931 of December 22, 1981)

- (2) A person commits an offense if he intentionally or knowingly fails to return library materials to the Round Rock Public Library which were loaned to the actor or borrowed in the actor's name. The actor's intent and knowledge shall be presumed if:
  - (a) Pursuant to agreement, the library materials were to be returned on a date specified;
  - (b) Actual notice is given or notice in writing is sent by depositing in the United States mail stating that the library materials were not returned on the date specified, said notice when mailed to be sent to the address shown on the records of the library,
  - (c) The library material is not returned to the owner within ten (10) days of receipt of such notice;
  - (d) If notice is sent by mail in accordance with paragraph (b) above, it is presumed that the notice was received no later than five (5) days after it was sent;
  - (e) In prosecution under this subsection, it is no defense that the actor, though the actual borrower, no longer possesses the library materials.

(Ordinance No. 2085 of December 22, 1983)

**1.1904 DESTRUCTION OF LIBRARY PROPERTY**

Any person who shall willfully cut, mutilate, mark, tear, write upon, deface, or otherwise destroy or injure in whole or in part, any book, pamphlet, periodical, map, document, picture, or written, engraved, or printed paper belonging to the public library or shall suffer such injury to be inflicted while such property is in his custody shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided for in Section 1.602 of this Code of Ordinances.

(Ordinance No. 931 of December 22, 1981)

**SECTION 1.2000      EMERGENCY AND DISASTER MANAGEMENT****1.2001 DIRECTOR OF EMERGENCY MANAGEMENT**

There is hereby established the office of emergency management director of the City of Round Rock, which shall be held by the mayor in accordance with state law.

- (1) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (2) The director shall be responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in subsection 1.2004 of this section. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

**1.2002 DUTIES OF DIRECTOR, GENERALLY**

The powers and duties of the director shall include an ongoing survey of actual or potential major hazards which threaten life and property within the city, and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his responsibility in hazard mitigation, the director shall supervise the development of an emergency management plan for the City of Round Rock, and shall recommend that plan for adoption by the city council along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the city council at its next meeting. The duties of the director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan.

### 1.2003 PARTICIPATION WITH COUNTY AND OTHER CITIES

The mayor is hereby authorized to join with the county judge of the County of Williamson and the mayors of the other cities in said county in the formation of an emergency management council for the County of Williamson and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Round Rock.

### 1.2004 DUTIES OF DIRECTOR, SPECIFICALLY

The duties and responsibilities of the emergency management director shall include the following:

- (1) The direction and control of the actual disaster operations of the Round Rock Emergency Management organization as well as the training of the emergency management personnel.
- (2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (3) The maintenance of necessary liaison with other municipal, county, district, state, regional, federal, or other emergency management organizations.
- (4) The marshaling, after declaration of a disaster as provided for above, of all necessary personnel, equipment, or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the City of Round Rock Emergency Management Plan.
- (6) The issuance of reasonable rules, regulations, or directives which are necessary for the protection of life and property in the City of Round Rock.

Such rules and regulations shall be filed in the office of the city secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy.

- (7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts.

- (8) The supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (9) The authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.

#### 1.2005 MEMBERS OF THE EMERGENCY MANAGEMENT ORGANIZATION

The operational emergency management organization of the City of Round Rock shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as all organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the organization; establish and designate divisions and functions; assign tasks, duties, and powers; and designate officers and employees to carry out the provisions of this section. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Division of Emergency Management of the State of Texas and of the federal government.

#### 1.2006 UNAUTHORIZED WARNING SIGNALS

Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this section and shall be subject to the penalties imposed by this section.

#### 1.2007 THESE ORDERS, RULES, AND REGULATIONS TO SUPERSEDE OTHERS

At all times when the orders, rules, and regulations made and promulgated pursuant to this section shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

#### 1.2008 SECTION NOT TO CONFLICT WITH FEDERAL LAW

This section shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation.

#### 1.2009 CITY NOT LIABLE

This section is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety, and neither the City of Round Rock, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this section shall be liable for any damage

sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Round Rock a license or privilege, or otherwise permits the city to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person.

#### 1.2010 CITY COUNCIL APPROVAL REQUIRED TO EXPEND FUNDS

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this section without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval of the city council.

#### 1.2011 PENALTY

It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this section, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this section. It shall likewise be unlawful For any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the emergency management organization of the City of Round Rock, unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this section shall be punishable by a fine as provided for in Section 1.600 of this Code of Ordinances.

#### 1.2012 LOYALTY OATH

Each employee or any individual that is assigned a function or responsibility under the authority of this section shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the State of Texas, and the ordinances of the City of Round Rock.

(Ordinance No. 929 of December 22, 1981)

### **SECTION 1.2100 HOUSING DISCRIMINATION PROHIBITED**

#### 1.2101 DEFINITIONS

For the purpose of this section the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words so used in the present tense include the future, words in the masculine gender include the feminine, words in the plural number include the singular, and words in the singular include the plural.

- (1) Discriminatory housing practice means an act that is unlawful under subsections 1.2102 - 1.2104 of this section.
- (2) Dwelling means any building, structure, or portion thereof which is occupied as, or designed and intended for occupancy as a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (3) Family includes a single individual.
- (4) Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.
- (5) To rent includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

#### 1.2102 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

- (1) Except as exempted by subsection 1.2105, it shall be unlawful for any person to:
  - (a) Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, religion, or national origin;
  - (b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion or national origin;
  - (c) Make, print, publish, or cause to be made, printed or published any notice, statement, or advertisement regarding the sale or rental of limitation, or discrimination based on race, color, sex, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.
  - (d) Represent to any person because of race, color, sex, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
  - (e) For profit or with the hope or expectation of profit, induce, or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any person or persons of a particular race, color, sex, religion, or national origin.

- (f) For profit or with the hope or expectation of profit to influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord or tenant of a dwelling so as to promote the maintenance of racially segregated housing or so as to retard, obstruct, or discourage racially integrated housing.

#### 1.2103 DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, savings and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part of the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or to discriminate against any such person the fixing of the amount, interest rate, brokerage points, duration, or the terms or conditions of such loan or other financial assistance, because of the race, color, sex, religion, or national origin of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

#### 1.2104 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful for any person to deny access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership, or participation on account of race, color, sex, religion, or national origin.

#### 1.2105 EXEMPTIONS AND EXCLUSIONS

- (1) There shall be exempted from the application of subsections 1.2102-1.2104, all transactions involving:
  - (a) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one (1) of such units as his residence;
  - (b) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one (1) family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four (4) such rooms are offered.
  - (c) The sale or rental of any single house by a private individual who owns such house, provided that:

- (i) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman, or person;
  - (ii) The sale is made without the publication, posting, or mailing of any advertisement or written notice in violation of subsection 1.2102(l)(c) of this section (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as necessary to perfect or transfer of title); and,
  - (iii) The owner does not own more than three (3) single-family houses at the time of the sale, or
  - (iv) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three (3) such single-family houses at one time.
  - (v) If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period.
- (2) Nothing in this section shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin.
- (3) Nothing in this section shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased, or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen, or similar facilities available for the use of all persons occupying such housing accommodation.

#### 1.2106 FAIR HOUSING ADMINISTRATOR

The city manager shall appoint a Fair Housing Administrator (hereinafter referred to as “administrator”), who shall have the responsibility for implementing this section. The administrator may delegate his authority to other city employees under his direction.

1.2107 COMPLAINTS

- (1) Only the person who claims to have been injured by a discriminatory housing practice or who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereafter referred to as “person aggrieved”) may file a complaint with the administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The administrator shall prepare complaint forms and furnish them to any person, upon request.
- (2) If at any time the administrator shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed or are committing a discriminatory housing practice as to which no complaint has been filed, the administrator may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.
- (3) The administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to paragraph (1) of this subsection.
- (4) All complaints shall be filed within sixty (60) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the administrator shall provide notice of the complaint by furnishing a copy of such complaint to the person or persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.
- (5) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

1.2108 INVESTIGATION

- (1) Upon the filing or referral of a complaint as provided above, the administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.
- (2) During or after the investigation, but subsequent to the mailing of the notice of the complaint, the administrator shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this section.

- (3) Upon completion of the investigation and informal endeavors at conciliation by the administrator, but within thirty (30) days of the filing of the complaint with the administrator, if the efforts of the administrator to secure voluntary compliance have been unsuccessful, and if the administrator has made a determination that a discriminatory housing practice has in fact occurred, the administrator shall recommend to the city attorney that such violation be prosecuted in the Municipal Court of the City of Round Rock. With such recommendation, the administrator shall refer his entire file to the city attorney. The city attorney shall, within thirty (30) days after such referral make a determination as to whether to proceed with prosecution of such complaint in municipal court.

#### 1.2109 CUMULATIVE LEGAL EFFECT

This section is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue.

#### 1.2110 UNLAWFUL INTIMIDATION

It shall be unlawful for any person to harass, threaten, harm, damage, or otherwise penalize any individual, group, or business because he or they complied with the provisions of this section, because he or they have exercised his or their rights under this section, or enjoyed the benefits of this section, or because he or they have made a charge, testified, or assisted in any manner in any investigation, or in any proceeding hereunder or have made any report to the administrator.

#### 1.2111 COOPERATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT

The administrator and the city attorney are authorized to cooperate with the Secretary of Housing and Urban Development and the U.S. Attorney General pursuant to the provisions of the Title VIII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the secretary as they shall deem appropriate to further the policies of the section.

#### 1.2112 EDUCATION AND PUBLIC INFORMATION

In order to further the objectives of this section, the administrator may conduct educational and public information programs.

#### 1.2113 PENALTY

Any person, firm, or corporation violating any provision of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided for in Section 1.600 of this Code of Ordinances. Each day a violation continues after passage of seventy-five

(75) days from date of the filing of the initial complaint with the administrator shall constitute a separate and distinct offense. Any person, firm, or corporation violating any provision of this section may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy is in addition to any other penalty provision.

(Ordinance No. 975 of October 28, 1982)

## **SECTION 1.2200      MUNICIPAL COURT**

### **1.2201 WARRANTS OF ARREST**

- (1) Upon failure of a person to report as ordered after such person has received due notice, issuing from a police officer or magistrate, that such person has violated a law or ordinance of the City of Round Rock or the State of Texas, the municipal judge shall order that a warrant of arrest shall issue and be served for the arrest of such person who fails to appear as directed. A special expense of twenty-five dollars (\$25.00) for the issuance and service of such warrant for arrest shall be collected from the person who fails to appear and against whom the warrant of arrest is issued.
- (2) Upon commission of an offense under Section 38.10, Penal Code, or Section 543.009, Texas Transportation Code, V.T.C.A., the municipal judge shall order that a warrant of arrest shall issue and be served for the arrest of the person committing the offense. A special expense of twenty-five dollars (\$25.00) for the issuance and service of the warrant shall be collected from the person who commits the offense and against whom the warrant of arrest is issued.
- (3) The collection of fines and special expenses shall be enforced, as necessary, by execution against the property of the defendant, or by imprisonment of the defendant.
- (4) All fines and special expenses for the issuance and service of warrants shall be paid into the city treasury for the use and benefit of the city.

(Ordinance No. 2094 of February 9, 1984 as amended by Ordinance No. G-96-03-28-12G of March 28, 1996)

### **1.2202 DRIVING SAFETY COURSE FEE**

The municipal court is authorized to collect a fee not to exceed ten dollars (\$10.00) from each person requesting a driving safety course pursuant to Chapter 543, Subchapter B, Texas Transportation Code, V.T.C.A. The fees collected shall be paid into the city treasury for the use and benefit of the city.

(Ordinance No. 2294 of August 27, 1987 as amended by Ordinance No. G-96-03-28-12G of March 28, 1996)

1.2203 TEEN COURT FEE

The municipal court is authorized to collect a fee, not to exceed ten dollars (\$10.00), from each person authorized by the municipal court judge to attend a teen court program pursuant to Article 45.55 of the Texas Code of Criminal Procedure, V.T.C.A. The fees collected by the municipal court hereunder shall be deposited into the city treasury for the use and benefit of the city. A person who is authorized by the municipal court judge to attend a teen court program and fails to complete the program is not entitled to a refund of the fee.

(Ordinance No. G-96-04-11-12E of April 11, 1996)

1.2204 MUNICIPAL COURT BUILDING SECURITY FEE

The municipal court is authorized to collect a municipal court building security fee of \$3.00 per conviction. The fees collected pursuant to this subsection shall be paid into the city treasury for deposit in a fund to be known as the municipal court building security fund. Funds collected pursuant to this subsection shall be expended as authorized by Article 102.017 of the Texas Code of Criminal Procedure, as amended.

(Ordinance No. G-00-04-27-11B1 of April 27, 2000)

1.2205 MUNICIPAL COURT TECHNOLOGY FEE

The municipal court is authorized to collect a municipal court technology fee of \$4.00 per conviction. The fees collected pursuant to this subsection shall be paid into the city treasury for deposit in a fund to be known as the municipal court technology fund. Funds collected pursuant to this subsection shall be expended as authorized by Article 102.0172 of the Texas Code of Criminal Procedure, as amended.

(Ordinance No. G-00-04-27-11B1 of April 27, 2000 as amended by Ordinance No. G-05-08-11-10C1 of August 11, 2005)

1.2206 COLLECTION FEE ON MUNICIPAL COURT FEES AND FINES.

- (1) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a municipal court serving the City when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection.

- (2) Said collection fee is authorized and imposed in cases in which the accused has failed to appear:
- (a) As promised under Subchapter A, Chapter 543, Transportation Code, or other law;
  - (b) In compliance with a lawful written notice to appear issued under Article 14.06(b) or other law;
  - (c) In compliance with a lawful summons issued under Article 15.03(b), Texas Code of Criminal Procedure;
  - (d) In compliance with a lawful order of a court serving the City; or
  - (e) As specified in a citation, summons, or other notice authorized by Section 682.002, Transportation Code, that charges the accused with a parking or stopping offense.

(Ordinance No. G-04-04-08-9A1 of April 8, 2004)

**SECTION 1.2300      GOLF COURSE ADVISORY BOARD (Repealed)**

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**SECTION 1.2400 BINGO TAX****1.2401 IMPOSITION OF TAX**

Pursuant to the Texas Bingo Enabling Act, Article 179d, V.A.T.S., there is hereby imposed a one percent (1%) tax on all taxable gross receipts from the conduct of bingo games held within the city limits of Round Rock, Texas.

**1.2402 EFFECTIVE DATE**

The effective date of this section shall be the 1st day of March 1992.

(Ordinance No. 2564 of February 13, 1992)

**SECTION 1.2500 PARKS AND RECREATION ADVISORY BOARD**

**Editor's note** - The previous SECTION 1.2500, PARKS AND RECREATION ADVISORY BOARD, was automatically repealed on June 30, 1992 by Ordinance No. 2531 of April 11, 1991, which was the same ordinance which created the Parks and Recreation Advisory Board.

**SECTION 1.2500 ADVISORY BOARD FOR THE AGING****1.2501 BOARD CREATED**

\_\_\_\_\_ The City Council shall appoint a Board to be known as the Advisory Board for the Aging. The board shall consist of nine (9) members, who reside within the city limits of Round Rock.

(Ordinance No. 2604 of November 24, 1992 as amended by Ordinance No. G-93-02-25-9J of February 25, 1993)

**1.2502 QUALIFICATIONS OF BOARD MEMBERS**

\_\_\_\_\_ Members of the Board shall possess at least one of the following qualifications:

- (1) Be at least 62 years of age; or
- (2) Be a volunteer serving a service organization related to senior citizen issues.

**1.2503 TERMS OF APPOINTMENT**

\_\_\_\_\_ The Board members shall hold office for two years or until their successors are appointed; however, of the first nine (9) appointments, five (5) shall be appointed to serve until May 1, 1993 and four (4) to serve until May 1, 1994. Thereafter, four (4) members shall be appointed during even-numbered years and five (5) members appointed during odd-numbered years. Vacancies shall be filled by the City Council for the remainder of an unexpired term.

(Ordinance No. 2604 of November 24, 1992 as amended by Ordinance No. G-93-02-25-9J of February 25, 1993)

#### 1.2504 ATTENDANCE REQUIREMENTS

Any Board member who misses three (3) consecutive meetings shall forfeit the appointment and his/her replacement will be appointed by the City Council to fill the unexpired term.

#### 1.2505 CHAIRMAN; VICE-CHAIRMAN

\_\_\_\_\_ The Board shall select from its members a chairman and vice-chairman annually at its first meeting following City Council appointments.

#### 1.2506 RULES OF ORDER

\_\_\_\_\_ The Board shall follow Roberts Rules of Order for conducting meetings, and a quorum of five (5) members must be present in order to conduct the business of the Board.

(Ordinance No. 2604 of November 24, 1992 as amended by Ordinance No. G-93-02-25-9J of February 25, 1993)

#### 1.2507 COMMITTEES

\_\_\_\_\_ Committees may be appointed by the chairman as needed.

#### 1.2508 MEETINGS

\_\_\_\_\_ The Board shall hold one (1) regularly scheduled meeting each month. Special meetings may be held upon request of the chairman, Mayor, City Manager, or upon request of two or more Board members. All meetings must conform to the Texas Open Meetings Act.

Board members shall also attend the annual meeting of the Round Rock Senior Citizens Foundation and present a report to the City Council.

#### 1.2509 DUTIES

The Board may assist the City Council as follows:

- (1) To establish and encourage communications between senior citizens of the Round Rock community and the Round Rock City Council;
- (2) To provide and obtain information about needs of the senior citizens which are special to that growing segment of the community;

- (3) To conduct studies and provide reports to the Round Rock City Council about other senior citizen programs and activities that will benefit the elderly and the City of Round Rock;
- (4) To seek funding sources to expand services which benefit the entire community including volunteer intergenerational programs;
- (5) To assist the Round Rock Senior Citizens Foundation in its efforts to obtain funds to develop programs and proposals resulting from the creative efforts of other organizations related to senior citizens; and
- (6) To make recommendations on other issues relating to senior citizens.

#### 1.2510 LIMITATIONS

- \_\_\_\_\_ (1) The Board shall be advisory in nature and have no authority to obligate the City of Round Rock in any financial way nor shall the Board have the authority to make expenditures of city funds.
- (2) The Board shall not request any work done on its own authority nor promise the citizens that work will be done.

(Ordinance No. 2604 of November 24, 1992)

#### 1.2511 SUNSET PROVISIONS

- \_\_\_\_\_ (1) This Section shall be automatically repealed on June 30, 1995.

(Ordinance No. 2604 of November 24, 1992 as amended by Ordinance No. G-94-06-23-8J of June 23, 1994)

### **SECTION 1.2600 ENVIRONMENTAL ADVISORY BOARD**

#### 1.2601 BOARD CREATED

\_\_\_\_\_ The City Council shall appoint a Board to be known as the Environmental Advisory Board. The Environmental Advisory Board ("Board") shall consist of seven (7) members, who reside within the city limits of Round Rock.

#### 1.2602 QUALIFICATIONS OF BOARD MEMBERS

\_\_\_\_\_ When making appointments to the Board, the Council will, whenever possible, appoint members who have the following qualifications or expertise:

- (1) One (1) member who has experience or knowledge in municipal planning and zoning;

- (2) One (1) member who has experience or knowledge in the field of engineering;
- (3) One (1) member who has experience or knowledge in the field of education;
- (4) One (1) member who has experience or knowledge in the industrial or manufacturing sector of the local economy;
- (5) One (1) member who has experience or knowledge in the field of energy; and
- (6) Two (2) members who have demonstrated an interest in environmental issues.

#### 1.2603 TERMS OF APPOINTMENT

The Environmental Advisory Board members shall hold office for two years or until their successors are appointed; however, of the first seven (7) appointments, four (4) shall be appointed to serve until May 1, 1993 and three (3) to serve until May 1, 1994. Thereafter, three (3) members shall be appointed during even-numbered years and four (4) members appointed during odd-numbered years. Vacancies shall be filled by the City Council for the remainder of an unexpired term.

#### 1.2604 ATTENDANCE REQUIREMENTS

Any Board member who misses three (3) consecutive meetings shall forfeit the appointment and his/her replacement will be appointed by the City Council to fill the unexpired term.

#### 1.2605 CHAIRMAN; VICE-CHAIRMAN

\_\_\_\_\_ The Board shall select from its members a chairman and vice-chairman annually at its first meeting following City Council appointments.

#### 1.2606 RULES OF ORDER

\_\_\_\_\_ The Board shall follow Roberts Rules of Order for conducting meetings, and a quorum of four (4) members must be present in order to conduct the business of the Board

#### 1.2607 COMMITTEES

\_\_\_\_\_ Committees may be appointed by the chairman as needed.

1.2608 MEETINGS

\_\_\_\_\_ The Board shall hold one (1) regularly scheduled meeting each month. Special meetings may be held upon request of the chairman, Mayor, City Manager, or upon request of two or more Board members. All meetings must conform to the Texas Open Meetings Act.

1.2609 DUTIES

The duties of the Board shall be as follows:

- (1) To assist local government officials in planning, organizing, and evaluating their local environmental services and programs;
- (2) To help coordinate local government environmental programs with other environmental programs, services, companies, or organizations within the community;
- (3) To provide opportunities for those persons affected by environmental services or regulations to have a role in the formation of local environmental services or programs;
- (4) To develop a public relations program to inform citizens of local environmental services, as well as special or ongoing efforts;
- (5) To provide leadership for enhancing or extending existing environmental programs to better serve the health interests of the community;
- (6) To help improve citizen knowledge of environmental issues so they can be better consumers of environmental services and better focus their participation and comments when constructive assistance is required;
- (7) To assist local government officials in solving operational problems or reviewing new environmental impacts or activity, either in the existing work plan or as requested by elected officials or other authorities; and
- (8) To make recommendations on other environmental related issues.

1.2610 LIMITATIONS

- \_\_\_\_\_ (1) The Board shall be advisory in nature and have no authority to obligate the City of Round Rock in any financial way nor shall the Board have the authority to make expenditures of city funds.
- (2) The Board shall not request any work done on its own authority nor promise the citizens that work will be done.

1.2611 SUNSET PROVISIONS

\_\_\_\_\_ (1) This Section shall be automatically repealed on June 30, 1995.

(Ordinance No. 2606 of November 24, 1992 as amended by Ordinance No. G-94-06-23-8K of June 23, 1994)

**SECTION 1.2700 YOUTH CURFEW**

## 1.2701 DEFINITIONS

- (1) Curfew Hours mean;
  - (a) 12:01 a.m. until 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday;
  - (b) 1:00 a.m. until 6:00 a.m. on any Saturday or Sunday; and
  - (c) 9:00 a.m. until 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday.
- (2) Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- (4) Guardian means:
  - (a) A person who, under court order, is the guardian of the person of a minor; or
  - (b) A public or private agency with whom a minor has been placed by a court.
- (5) Minor means any person under 17 years of age.
- (6) Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) Parent means a person who is:
  - (a) A natural parent, adoptive parent, or step-parent of another person; or

- (b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) Public Place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (9) Remain means to:
  - (a) Linger or stay; or
  - (b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

#### 1.2702 OFFENSES

- (1) A minor commits an offense if he remains, walks, runs, stands, drives or rides about in or upon any public place or on the premises of any establishment within the city during curfew hours.
- (2) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain, walk, run, stand, drive or ride about in or upon the premises of the establishment during curfew hours.

#### 1.2703 DEFENSES

- (1) It is a defense to prosecution under 1.2702 that the minor was:
  - (a) Accompanied by the minor's parent or guardian;
  - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (c) In a motor vehicle involved in interstate travel;
  - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (e) Involved in an emergency;
  - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

- (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Round Rock, Round Rock Independent School District, a civic organization, or another similar entity that take responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Round Rock, Round Rock Independent School District, a civic organization, or another similar entity that take responsibility for the minor;
  - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - (I) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (2) It is a defense to prosecution under 1.2702(2) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during the curfew hours and refused to leave.
  - (3) It is a defense to prosecution under 1.2702 with respect to the curfew hours of 9:00 a.m. until 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday, that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate; or that the minor has permission to be absent from the school or be in a public place from an authorized school official or a parent or guardian. In the case of a minor being educated in a home school, a parent or guardian shall be deemed a school official.

#### 1.2704 ENFORCEMENT

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in 1.2703 is present.

#### 1.2705 PENALTIES

- (1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
- (2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates 1.2702(1) of this section and shall refer the minor to juvenile court.

(Ordinance No. G-94-05-26-9A of May 26, 1994 as amended by Ordinance No. G-95-03-09-9D of March 9, 1995 and Ordinance No. G-01-08-23-13B1 of August 23, 2001, Ordinance No. G-02-08-08-10A1 of August 8, 2002, and Ordinance No. G-04-11-23-8A1 of November 23, 2004, Ordinance No. G-07-10-25-10B1 of October 25, 2007)

## **SECTION 1.2800 YOUTH ADVISORY COMMISSION**

### **1.2801 COMMISSION CREATED**

\_\_\_\_\_ There is hereby created and the City Council shall appoint a Commission to be known as the Youth Advisory Commission. The Commission shall consist of nine (9) members, who reside within the boundaries of the Round Rock Independent School District.

### **1.2802 QUALIFICATIONS OF COMMISSION MEMBERS**

- \_\_\_\_\_ (1) Two members of the Commission shall be high school students in the Round Rock Independent School District;
- (2) Two members of the Commission shall be students of any grade in the Round Rock Independent School District;
- (3) One member of the Commission shall be an administrator employed by the Round Rock Independent School District;
- (4) One member of the Commission shall have counseling experience; and
- (5) Three members of the Commission shall be appointed from the public at-large.

### **1.2803 TERMS OF APPOINTMENT**

The Commission members shall hold office for two years or until their successors are appointed; however, of the first nine (9) appointments, four (4) shall be appointed to serve until May 1, 1995 and five (5) to serve until May 1, 1996. Thereafter, four (4) members shall be appointed during odd-numbered years and five (5) members appointed during even-numbered years. Vacancies shall be filled by the City Council for the remainder of an unexpired term.

### **1.2804 ATTENDANCE REQUIREMENTS**

Any Commission member who misses three (3) consecutive meetings shall forfeit the appointment and his/her replacement will be appointed by the City Council to fill the unexpired term.

### **1.2805 CHAIRMAN; VICE-CHAIRMAN**

\_\_\_\_\_ The Commission shall select from its members a chairman and vice-chairman annually at its first meeting following City Council appointments.

1.2806 RULES OF ORDER

\_\_\_\_\_ The Commission shall follow Roberts Rules of Order for conducting meetings, and a quorum of five (5) members must be present in order to conduct the business of the Commission.

1.2807 COMMITTEES

\_\_\_\_\_ Committees may be appointed by the chairman as needed.

1.2808 MEETINGS

\_\_\_\_\_ The Commission shall hold one (1) regularly scheduled meeting each month. Special meetings may be held upon request of the chairman, Mayor, City Manager, or upon request of two or more Commission members. All meetings must conform to the Texas Open Meetings Act.

1.2809 DUTIES

The Commission may assist the City Council as follows:

- (1) To establish and encourage communication between the youth of the Round Rock community and the Round Rock City Council;
- (2) To provide and obtain information about needs of youth which are special to that growing segment of the community;
- (3) To conduct studies and provide reports to the Round Rock City Council about youth programs and activities that will benefit youth and the City of Round Rock;
- (4) To make recommendations to the City Council on any issue relating to youth; and
- (5) To submit an annual report to the City Council on the activities of the Commission for the immediately preceding year and proposed activities for the upcoming year.

1.2810 LIMITATIONS

- \_\_\_\_\_ (1) The Commission shall be advisory in nature and have no authority to obligate the City of Round Rock in any financial way nor shall the Commission have the authority to make expenditures of city funds.
- (2) The Commission shall not request any work done on its own authority nor promise the citizens that work will be done.

1.2811 SUNSET PROVISIONS

\_\_\_\_\_ (1) This Section shall be automatically repealed on September 30, 1996.

(Ordinance No. G-94-09-22-9J of September 22, 1994 as amended by Ordinance No. G-96-06-27-9D of June 27, 1996)

**SECTION 1.2900 REWARD FOR CRIMINAL MISCHIEF INFORMATION**

The City of Round Rock hereby offers a standing reward in an amount up to \$200.00 to the person or persons who furnish information leading to the arrest and prosecution of any individual for committing the crime of Criminal Mischief, as provided for in Section 28.03 of the Texas Penal Code, as hereafter amended, within the city limits of the City of Round Rock. This reward is a standing offer, and shall be paid out of the general fund of the City of Round Rock, Texas. The Chief of Police of the City of Round Rock shall determine the amount of the reward, if any, to be paid to the person or persons furnishing the information.

This offer for a reward shall not apply to any officer, employee, or agent of the City of Round Rock, or any other officer, employee, or agent of the State of Texas or political subdivision thereof, who provides information or makes an arrest in the discharge of official duties.

The Chief of Police of the City of Round Rock is the sole judge of any dispute arising over the reward and the person or persons, if any, entitled to share in it, and his decision on any point connected with the reward will be final and conclusive.

(Ordinance No. G-94-12-22-9C of December 22, 1994 as amended by Ordinance No. G-95-03-09-9D of March 9, 1995)

**SECTION 1.3000 COMMUNITY DEVELOPMENT ADVISORY COMMISSION**1.3001 COMMISSION CREATED

The City Council shall appoint a commission to be known as the Community Development Advisory Commission. Such commission shall consist of seven (7) members who reside within the city limits of Round Rock.

1.3002 QUALIFICATIONS OF COMMISSION MEMBERS

Members of the commission shall, if possible and practicable, reside in low- to moderate-income census block groups, or shall represent low- to moderate-income individuals or organizations; or shall have an interest in low- to moderate-income issues.

“Low- to moderate-income” is defined annually by the United States Department of Housing and Urban Development and such definition shall be used as the qualification standard under this section.

### 1.3003 TERMS OF APPOINTMENT

The commission members shall hold office for two-year terms or until their successors are appointed; however, of the initial seven (7) appointments, four (4) shall be appointed to serve until June 1, 2000 and three (3) to serve until June 1, 2001. Thereafter, four (4) members shall be appointed during even-numbered years and three (3) members appointed during odd-numbered years. Vacancies shall be filled by the City Council for the remainder of any unexpired term.

### 1.3004 ATTENDANCE REQUIREMENTS

Any commission member who misses three (3) consecutive meetings shall forfeit the appointment and his/her replacement shall be appointed by the City Council to fill the unexpired term.

### 1.3005 CHAIRPERSON; VICE-CHAIRPERSON

The commission shall annually select from its members a chairperson and vice-chairperson. Such selection shall be made at the commission's first meeting following City Council appointments.

### 1.3006 RULES OF ORDER

The commission shall follow *Roberts Rules of Order* for conducting all meetings. A quorum of four (4) members must be present in order to conduct the business of the commission.

### 1.3007 COMMITTEES

Committees may be appointed by the chairperson as needed.

### 1.3008 MEETINGS

The commission shall hold one (1) regularly scheduled meeting each quarter. Special meetings may be held upon request of the chair, the mayor, the city manager, or upon request of two (2) or more commission members. All meetings must conform to the Texas Open Meetings Act.

### 1.3009 DUTIES

The commission may assist the City Council as follows:

- (1) To identify housing and community development needs;

- (2) To identify priorities relating to community development needs and to suggest the amount of federal, state, and local monies to be allocated to such needs;
- (3) To propose activities and project to address priority needs;
- (4) To seek funding sources to expand services which benefit the entire community;
- (5) To recommend allocations of Community Development Block Grant Program, HOME Program, Housing Opportunities for Persons with AIDS, and Emergency Shelter Grant Program funds including program income and monies unspent and unobligated from previous program years; and
- (6) To review and recommend Five Year Consolidated Plans, One Year Action Plans, and subsequent amendments to the plans.

#### 1.3010 LIMITATIONS

The commission shall not, on its own authority, request that any work be done nor promise citizens that work will be done.

(Ordinance No. G-99-05-13-12B4 of May 13, 1999)

### **SECTION 1.3100 RECORDS MANAGEMENT PROGRAM**

#### 1.3101 DEFINITIONS.

- (1) "Electronic storage" means the maintenance of City data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk or similar machine-readable medium.
- (2) "Essential record" means any record of the City necessary to the resumption or continuation of government operations in an emergency or disaster; to the recreation of the legal and financial status of the government, or to the protection and fulfillment of obligations to the people of the City or State.
- (3) "Microfilm" means roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of miniaturization on film.
- (4) "Municipal record" means:
  - (a) All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the City or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business, are declared to be the records of the City

and shall be created, maintained and disposed of in accordance with the provisions of this Section or procedures authorized by it.

- (b) The term “municipal record” does not include:
  - (i) extra identical copies of documents created only for convenience of, reference or research by officers or employees of the City;
  - (ii) notes, journals, diaries, and similar documents created by an officer or employee of the City for the officer’s or employee’s personal convenience;
  - (iii) blank forms;
  - (iv) stocks of publications;
  - (v) library and museum materials acquired solely for the purposes of reference or display;
  - (vi) copies of documents in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code, or other state law;
  - (vii) any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Section 2009.054(c) Government Code, associated with a matter conducted under an alternative dispute resolution procedure in which personnel of the City participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.
- (5) "Permanent record" means any record of the City for which the retention period on a Record Control Schedule is given as permanent.
- (6) "Record Control Schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City, their retention periods, and other records disposition information that the Records Management Program may require.
- (7) "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation and disposal of records for the purposes of reducing the costs and improving the efficiency of record-keeping. The term includes the development of Record Control Schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics, electronic and other records storage systems.

- (8) "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.
- (9) "Source document" means the City record from which record data is obtained for transfer to another storage media.

#### 1.3102 MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY

All municipal records as defined in Section 1.3101 are declared to be the property of the City. No City official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

#### 1.3103 POLICY

It is declared to be the policy of the City to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use and disposition of all municipal records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and as amended in the future.

#### 1.3104 ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE-DUTIES

A Records Management Committee is established consisting of a representative from the following departments: City Secretary; Finance; Information Technology; City Attorney; and City Manager. The committee shall:

- (1) Assist the Records Management Officer in the development of policies and procedures governing the Records Management Program;
- (2) Review the performance of the program on a regular basis and propose changes and improvements if needed;
- (3) Review and approve Record Control Schedules submitted by the Records Management Officer;
- (4) Establish records destruction policies and procedures; and
- (5) Actively support and promote the Records Management Program throughout the City.

### 1.3105 DESIGNATION OF RECORDS MANAGEMENT OFFICER

The City Secretary and successive holders of said office shall serve as the Records Management Officer for the City of Round Rock, Texas. As provided by state law, each successive designated Records Management Officer shall file his or her name with the director and librarian of the Texas State Library and Archives Commission within 30 days of the designation or of the taking of office, as applicable.

### 1.3106 DUTIES OF RECORDS MANAGEMENT OFFICER

In addition to other duties assigned in this Section, the Records Management Officer shall:

- (1) Administer the Records Management Program and provide assistance to department heads in its implementation;
- (2) In coordination with department heads, plan, formulate, and prescribe records disposition policies, systems, standards and procedures;
- (3) In cooperation with department heads identify essential records and establish a disaster plan for each City office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;
- (4) Monitor record retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the Records Management Program and the City's Record Control Schedules are in compliance with state regulations.
- (5) Disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;
- (6) Instruct Records Liaison Officers and other personnel in the policies and procedures of the records management plan and their duties in the Records Management Program;
- (7) Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of Record Control Schedules as required by state law and this chapter;
- (8) Ensure that the maintenance, preservation, microfilming, destruction or other disposition of municipal records is carried out in accordance with the policies and procedures of the Records Management Program and the requirements of state law;
- (9) Maintain records on the volume of records destroyed under approved Record Control Schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition; and

- (10) Report annually to the City Council on the implementation of the Records Management Plan in each department of the City, including summaries of the statistical and fiscal data compiled under paragraph (9).

#### 1.3107 DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS

In addition to other duties assigned in this Section, department heads shall:

- (1) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City for the efficient and economical management of records and in carrying out the requirements of this Section; and
- (2) Maintain the records and carry out their preservation, microfilming, destruction, or other disposition in accordance with the policies and procedures of the Records Management Program of the City and the requirements of this Section.

#### 1.3108 DESIGNATION OF RECORDS LIAISON OFFICERS

Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the Records Management Program in the department. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the City maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

#### 1.3109 DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS

In addition to other duties assigned in this Section, Records Liaison Officers shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of Record Control Schedules;
- (2) In cooperation with the Records Management Officer coordinate and implement the policies and procedures of the Records Management Program in their departments; and
- (3) Disseminate information to department staff concerning the Records Management Program.

1.3110 RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN

- (1) The Records Management Officer and the Records Management Committee shall develop a records management plan for the City. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the City, and to properly preserve those records of the City that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this Section effectively.
- (2) Once approved by the Committee, the records management plan shall be binding on all offices, departments, division, programs, commissions, bureaus, boards, committees, or similar entities of the City and all municipal records shall be created, maintained, stored, microfilmed destroyed and/or disposed of in accordance with the records management plan.
- (3) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this Section and the records management plan adopted under it. Said law may not be used by the department head as a basis for refusal to participate in the Records Management Program of the City of Round Rock, Texas.

1.3111 RECORD CONTROL SCHEDULES—APPROVAL—FILING WITH THE STATE

- (1) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare Record Control Schedules on a department by department basis listing all records created or received by the department and the retention period for each record.
- (2) Each Record Control Schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it continues to reflect the record-keeping procedures and needs of the department and the Records Management Program of the City and that it is in compliance with records retention schedules issued by the State.
- (3) Before its adoption, a Record Control Schedule or amended schedule for a department must be approved by the division head and a majority vote of the members of the Records Management Committee.
- (4) Before its adoption, a Record Control Schedule must be submitted to and accepted for filing, by the director and librarian of the State and Local Government Records Management Division as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the Record Control schedules to the director and librarian of the State and Local Government Records Management Division.

1.3112 IMPLEMENTATION OF RECORD CONTROL SCHEDULES--DESTRUCTION  
OF RECORDS UNDER SCHEDULE.

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- (1) A Record Control Schedule for a department that has been approved and adopted under Section 1.3111 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.
- (2) A record whose retention period has expired on a Record Control Schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the Records Management Committee that the record be retained for an additional period; and
- (3) Prior to the destruction of a record under an approved Record Control Schedule, authorization for the destruction must be obtained by the Records Management Officer in accordance with the policies and procedures established by the Records Management Committee.
- (4) The source document of a record whose retention period has not expired on a Record Control Schedule, but which has been either microfilmed or stored electronically, must be reviewed for destruction authorization in accordance with the policies and procedures established in this Section and requirements of state law.

1.3113 RECORDS CENTER

A records center, developed pursuant to the plan required by Subsection 1.3110 shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 1.3110.

(Ordinance No. G-02-05-09-15A1 of May 9, 2002)

**SECTION 1.3200 CAPITAL IMPROVEMENTS ADVISORY COMMITTEE****1.3201 COMMITTEE CREATED**

The City Council shall provide for the appointment of a Capital Improvement Advisory Committee (CIAC) and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a capital improvement advisory committee under state law.

**1.3202 MEMBERSHIP, TERMS AND COMPENSATION****(i) Appointment**

The Planning and Zoning Commission (Commission) members shall serve as the CIAC and the City Council's action of appointing the Commission members shall be deemed to be their simultaneous appointment as members of the CIAC. If the Commission does not have at least one representative from the real estate, development, or building industries, then one such representative shall be appointed by the City Council as an ad hoc voting member of the CIAC. If the impact fee is to be applied in the extraterritorial jurisdiction (ETJ) of the City, the CIAC membership must include a representative from that area.

**(ii) Terms**

Terms for CIAC members that are Commission members shall cease or expire when their Commission term ceases or expires. The term for an ad hoc voting member or member residing in the ETJ, that is not a member of the Commission, shall be for two (2) years, and shall expire on the 15<sup>th</sup> day of June; provided, however, that the members shall continue to serve until their successors are appointed.

**(iii) Vacancies**

Vacancies shall be filled by the City Council, as necessary, for the unexpired term of any member whose term becomes vacant.

**(iv) Removal**

CIAC members that are Commission members shall be removed in accordance with the conditions of removal for a Commission member. A CIAC member, that is not a member of the Commission may be removed at the will of the City Council.

**(v) Compensation**

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

1.3203 POWERS AND DUTIES

The CIAC serves in an advisory capacity and is established to:

- (1) advise and assist the City Council in adopting land use assumptions;
- (2) review the capital improvements plan and file written comments;
- (3) monitor and evaluate implementation of the capital improvements plan;
- (4) file semiannual reports with respect to the progress of the capital improvements plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee; and
- (5) advise the City Council of the need to update or revise the land use assumptions, capital improvements plan and impact fee.

1.3204 PROCEDURES(i) Officers

The Chairperson of the CIAC shall be elected from the membership of the CIAC by a majority of the members. A vice-chair to serve in the chairperson's absence shall be likewise elected.

(2) Meetings

All meetings of the CIAC shall be open to the public. In addition to its regular meetings, meetings also may be called upon the request of the Chairperson of the CIAC, or upon written request of three members, or upon notice from the City Manager that a matter requires the consideration of the CIAC.

(3) Quorum

A quorum shall consist of a majority of the entire membership of the CIAC and any issue to be voted on shall be resolved by a majority of those present.

(4) Notice of Meetings

Public notice of all meetings of the CIAC shall be posted according to the Texas Open Meetings Act.

(5) Rules of Proceedings

The CIAC shall adopt its own rules of procedure, provided that such shall not be in conflict with laws applicable to the CIAC or any provisions of this Code.

(6) Minutes

The CIAC shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote indicating that fact.

1.3205 LIMITATIONS

- (1) The CIAC shall be advisory in nature and have no authority to obligate the City of Round Rock in any financial way nor shall the CIAC have the authority to make expenditures of City funds.
- (2) The CIAC shall not request any work done on its own authority nor promise the citizens that work will be done.

**SECTION 1.3300 TOURISM COMMISSION****1.3301 COMMISSION CREATED**

There is hereby created and the City Council shall provide for the appointment of a commission to be known as the Tourism Commission (Commission). The Commission shall consist of seven (7) members.

**1.3302 QUALIFICATIONS OF COMMISSION MEMBERS**

- (1) One member of the Commission shall be a representative of the Dell Diamond/Heritage Center;
- (2) Two members of the Commission shall be representatives of the hotel industry, one representing a large-size hotel of 250 rooms or more and one representing a small-size hotel of less than 250 rooms, respectively;
- (3) Two members of the Commission shall be representatives of a local tourism-related business, including but not limited to, dining, entertainment or retail;
- (4) One member of the Commission shall be a representative from the Round Rock Higher Education Center; and
- (5) One member of the Commission shall be appointed from the public as an at-large representative.

(Ordinance No. G-07-07-12-10A1 of July 12, 2007)

**1.3303 ATTENDANCE REQUIREMENTS**

Any Commission member who misses three (3) consecutive meetings shall forfeit the appointment and his/her replacement will be appointed by the City Council to fill the unexpired term.

**1.3304 MEMBERSHIP, TERMS AND COMPENSATION****(1) Terms of Appointment**

The Commission members shall hold office for two (2) years or until their successors are appointed; and shall expire on the 15<sup>th</sup> day of June; provided, however, that the members shall continue to serve until their successors are appointed. However, of the first seven (7) appointments, three (3) shall be appointed to serve until June 15, 2005 and four (4) shall be appointed to serve until June 15, 2006. Thereafter, three (3) members shall be appointed during odd-numbered years and four (4) members shall be appointed during even-numbered years.

(2) Vacancies

Vacancies shall be filled by the City Council, as necessary, for the unexpired term of any member whose term becomes vacant.

(3) Removal

A member of the Commission may be removed at the will of the City Council.

(4) Compensation

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

1.3305 POWERS AND DUTIES

The Commission serves in an advisory capacity and is established to:

- (1) Present annual funding recommendations to the City Council, in compliance with Section 351.101 of the Texas Tax Code, as amended; and
- (2) Review the tourism plan and advise the City Council of the need to update or revise the tourism plan.

1.3306 PROCEDURES(1) Officers

The Chairperson of the Commission shall be elected from the membership of the Commission by a majority of the members. A vice-chair to serve in the chairperson's absence shall be likewise elected.

(2) Meetings

All meetings of the Commission shall be open to the public. In addition to its regular meetings, meetings also may be called upon the request of the Chairperson of the Commission, or upon written request of three members, or upon notice from the City Manager that a matter requires the consideration of the Commission.

(3) Quorum

A quorum shall consist of a majority of the entire membership of the Commission and any issue to be voted on shall be resolved by a majority of those present.

(4) Notice of Meetings

Public notice of all meetings of the Commission shall be posted according to the Texas Open Meetings Act.

(5) Rules of Order

The Commission shall follow Roberts Rules of Order for conducting meetings.

(6) Minutes

The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote indicating that fact.

1.3307 LIMITATIONS

- (1) The Commission shall be advisory in nature and have no authority to obligate the City of Round Rock in any financial way nor shall the Commission have the authority to make expenditures of City funds.
- (2) The Commission shall not request any work done on its own authority nor promise the citizens that work will be done.

(Ordinance No. G-04-04-22-13E1 of April 22, 2004)

**SECTION 1.3400 SPECIAL EVENTS**1.3401 DEFINITIONS

- (1) Applicant means a Person who has filed a written application for a Special Event Permit.
- (2) City means the City of Round Rock, Texas.
- (3) City Manager means the City Manager of the City or the designated representative of the City Manager.
- (4) Permittee means the Person to whom a Special Event Permit is granted pursuant to this section.
- (5) Person means any individual, assumed named entity, partnership, association, corporation, or organization.
- (6) Special Event means a planned temporary aggregation of people or attractions for a common purpose, including, but not limited to street fairs, arts and crafts shows, rallies, public entertainments, or other similar events or attractions, that:
  - (i) are conducted primarily outdoors; and

- (ii) interfere with the normal flow or regulation of pedestrian or vehicular traffic; or
  - (iii) require special City services, including, but not limited to, street closure, provisions of barricades; refuse services, stages, special parking arrangements, special electrical services or special police services or protection.
- (7) Special Event Permit means the written approval from the City Manager for a Special Event.

#### 1.3402 PERMIT REQUIRED

It shall be unlawful for any Person to conduct a Special Event without first having obtained a Special Event Permit from the City Manager.

#### 1.3403 APPLICATION FOR PERMIT; FEE

- (1) A Person seeking a Special Event Permit shall file an application with the City Manager upon forms provided by the City, which shall be accompanied with an application fee of Fifty Dollars (\$50.00). In appropriate circumstances, the City Manager shall have the authority to lower or waive the fee.
- (2) The City Manager shall ensure that other licenses and permits, restrictions, regulations, fees for the City services, safeguards or other conditions deemed necessary by individual City departments for the safe and orderly conduct of a Special Event be requested, submitted and approved before the Special Event Permit is granted; e.g. health permit applications; agreement with the Police Department for police coverage; agreement with the Public Works Department regarding costs associated with street closures; agreement with the Parks and Recreation Department for the use of any park facilities.

#### 1.3404 FILING PERIOD

- (1) Applications for a Special Event Permit shall be filed not less than fifteen (15) days before the Special Event is to begin.
- (2) Late applications, where good cause is shown and subject to the standards promulgated in section 1.3406, may be considered when filed after the deadline prescribed in subsection (1), above.

#### 1.3405 CONTENTS OF APPLICATION

The application for a Special Event Permit shall set forth as a minimum the following information:

- (1) the name, address, and telephone number of the Person seeking to conduct the Special Event;
- (2) if the Special Event is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization and name and address of the authorized representative(s) of such organization;
- (3) if the Special Event is to be held by or for any Person other than the Applicant, the Applicant shall file a written statement from that other Person showing authority to make the application;
- (4) the name, address, and telephone number of the Person who will be the Special Event chairman and who will be responsible for its conduct;
- (5) the proposed location and parking areas for the Special Event;
- (6) the approximate number of people who will be attending and, if applicable, the number and types of animals and vehicles which will constitute such Special Event;
- (7) the location, size and number of stages, seating, tents, awnings, canopies, food service booths, first aid stations, portable restrooms or other temporary structures shall be shown;
- (8) if food or beverages will be served or sold, include copies of any licenses or permits issued by the appropriate agencies for such vendors;
- (9) details for any planned signage shall be included;
- (10) when loudspeakers will be used, the location and orientation of those speakers shall be shown;
- (11) the date(s) and time(s) the Special Event will start and terminate;
- (12) the time at which on-site activities in preparation for the Special Event will begin;
- (13) the proposed location of entrances and exits and a plan of evacuation in case of emergency;
- (14) if any portion of the Special Event is to be held on private property, including parking, written permission for the holding of the Special Event or parking from the owner of the property or his authorized representative;
- (15) copies of permits and agreements with all City departments, county officials or state agencies, other than the Building Inspection Department shall be included with the application for a Special Event Permit;
- (16) if required as set forth in section 1.3423, a copy of a certificate of insurance that complies with the requirements set forth in such section;

- (17) if required as set forth in section 1.3425, a copy of the surety bond that complies with the requirements set forth in such section; and
- (18) any other information which the City Manager shall find necessary under the Standards for Issuance.

#### 1.3406 STANDARDS FOR ISSUANCE

A Special Event Permit will be issued if, upon review, the City Manager finds that the Applicant has secured the police protection, if any, required under subsection 1.3426 and that the Special Event will be conducted in such a way that:

- (1) it will not substantially interrupt the safe and orderly movement of traffic near its location or route;
- (2) it will not require the diversion of so great a number of police officers to properly police the Special Event location or line of movement and the adjacent areas as to unduly interfere with the normal protection for the City;
- (3) it will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to unduly interfere with the provision of these services to portions of the City other than that to be occupied by the Special Event and adjacent areas;
- (4) it will not unduly interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (5) the concentration of people, animals, and vehicles at assembly points and during the event will not unduly interfere with proper fire, EMS, and police protection to areas near such Special Event;
- (6) it is not likely to cause injury to persons or property;
- (7) there will be adequate sanitation and other required health facilities made available in or adjacent to any public assembly areas; and
- (8) there are sufficient parking places on the site of the Special Event to accommodate the number of vehicles reasonably expected to be parked in accordance with subsection 1.3411 or the Applicant has made adequate arrangements for off-site parking and transfer of attendees.

#### 1.3407 DENIAL OR REVOCATION

- (1) The City Manager may deny a Special Event Permit if:
  - (a) the Special Event will conflict in time and location with another Special Event, parade or assembly for which a permit has already been granted;

- (b) the Applicant fails to comply with or the Special Event will violate an ordinance of the City or any other applicable law;
  - (c) the Applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a Special Event;
  - (d) the Applicant has been convicted of violating this Section, has had a Special Event Permit revoked within the preceding twelve (12) months, or has failed to pay any additional costs assessed by the City for a previous Special Event within the previous two (2) years;
  - (e) the Applicant fails to provide proof of a license or permit required by this Section or another City ordinance or by state law;
  - (f) the Special Event, in the opinion of one (1) or more City departmental directors, would unduly hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat;
  - (g) the Applicant is unable or unwilling to provide any required insurance or surety bonds that may be required under this Section;
  - (h) the Applicant is unable or unwilling to pay any additional costs as may be required by the City Manager;
  - (i) the Applicant fails to submit a complete application or fails to provide any additional information requested by the City Manager; or
  - (j) the proposed date or time for the Special Event or the location of the Special Event or parking for such Special Event would unduly interfere or disrupt the educational activities of a school when such school is in session.
- (2) A Special Event Permit shall be revoked upon the following conditions:
- (a) in the event that the Police Chief, Fire Chief, Director of Utilities, other City officials or their designated representatives find that any of the provisions of this Section, another City ordinance, or state law is being violated, they shall immediately notify the City Manager, and the Special Even Permit issued hereunder shall be revoked;
  - (b) when, in the judgment of the above named officials, a violation exists which requires immediate abatement, they shall have authority to revoke a Special Even Permit in the absence or unavailability of the City Manager; or
  - (c) the Applicant made or permitted to be made a false or misleading statement or omission of material fact on an application for a Special Event Permit.

#### 1.3408 NOTICE OF DENIAL; APPEALS

The City Manager shall act upon a complete application for a Special Event Permit within seven (7) days after the filing thereof. If the City Manager does not approve the application, he shall mail to Applicant a notice of this action stating the reasons for the denial of the application. Any Person aggrieved shall have the right to appeal the denial to the City Council by filing a notice of appeal with the City Secretary within five (5) days after receipt of the notice of denial. The City Council shall hear the appeal as soon as practicable and its decision shall be final.

#### 1.3409 DURATION OF PERMIT

The duration of the Special Event Permit granted under the terms of this Section shall not exceed a period of three (3) days.

#### 1.3410 NOTICE TO ABUTTING PROPERTY OWNERS

The City Manager shall have authority to require that Permittee send notices of the Special Event to abutting property owners when, in the City Manager's judgment, the Special Event is of a scope and nature that will impact those owners.

#### 1.3411 APPLICANT PARKING REQUIREMENTS

- (1) Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of users with a ten (10) percent surplus. If said parking is to be on private property adjacent to the Special Event, written evidence that the Applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.
- (2) When adequate parking is not available at or immediately adjacent to the site of the Special Event, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

#### 1.3412 CITY AUTHORITY OVER PARKING

The City shall have the authority, when reasonably necessary as determined by the Police Department, to prohibit or restrict the parking of vehicles along a street or highway or part thereof adjacent to the site of the Special Event. The City shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

#### 1.3413 AMUSEMENT RIDES

Rides and/or attractions associated with Special Event shall conform to the statutory rules and regulations set forth in Chapter 21, article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended.

#### 1.3414 HOURS OF OPERATION

A Special Event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily. The Police Department shall be responsible for enforcing this provision. The City Manager may waive the time limit on certain Special Events when good cause is demonstrated by the Applicant. Appeals of time limit restrictions may be made under subsection 1.3408 hereof.

#### 1.3415 TENTS AND TEMPORARY STRUCTURES

Any Special Event which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the City's Fire Code and Building Code except that a separate permit is not required when a Special Event Permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the Fire Chief.

#### 1.3416 FOOD AND BEVERAGE SERVICE

Where food or beverage service is provided or sold, said operation shall be in compliance with all provisions of the food and food establishment ordinances of the City, as well as all other applicable state and local laws.

#### 1.3417 SANITARY FACILITIES

A minimum of two (2) portable type sanitary facilities must be provided on the premises. Additional units may be required if determined to be necessary by the City Manager.

#### 1.3418 ANIMAL WASTE

Waste from animals used in any such Special Event shall be removed daily from the grounds. Should animals be kept within the City limits at night, they shall be kept not less than three hundred (300) feet from any developed residential or commercial districts.

#### 1.3419 WATER USAGE AND DISPOSAL OF WASTEWATER

- (1) Any Special Event or related activity desiring use of water from the City water system must coordinate with the Utilities Department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the City.

- (2) Applicant shall submit a plan for the disposal of wastewater and the plan shall be approved by the Utilities Department.

#### 1.3420 WASTE COLLECTION AND SOLID WASTE DUMPSTER

Applicant shall make appropriate arrangements for the collection of all waste resulting from such Special Event and commercial solid waste dumpsters must be provided on-site at all outdoor Special Events. Applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the City.

#### 1.3421 LOUDSPEAKERS

When loudspeakers will be used in conjunction with the Special Event, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 10:00 p.m. when a Special Event Permit has been obtained. The City Manager may modify the time limit for use of such speakers when good cause is demonstrated by the Applicant.

#### 1.3422 SIGNAGE

Signage used in accordance with the Special Event shall comply with the sign regulations of the City under the provisions for promotional signage. Signs advertising the Special Event or directing potential customers to the Special Event site are expressly prohibited in the City rights-of-way. (See Section 3.1408.)

#### 1.3423 LIABILITY INSURANCE

- (1) When a Special Event is partially or fully contained on the City rights-of-way, the Applicant for a Special Event Permit shall furnish the City Manager with a certificate of insurance complying with standards established by the City's risk manager.
- (2) The City Manager shall have the right to lower, waive, or increase the public liability insurance limits based upon the type of Special Event, equipment, machinery, location, number of people or animals involved and other pertinent factors or risks associated with the Special Event.
- (3) An Applicant shall have the right to show cause why the insurance requirement should be reduced or waived, and to present such request to the City Manager. Upon receipt of such request, the City Manager shall consult with the City's risk manager or his designee. The City Manager shall respond to an Applicant's request for lower insurance or waiver within five (5) days from date of request.
- (4) If a mutually agreeable insurance limit cannot be agreed upon, the Application shall be considered denied.

### 1.3424 INDEMNIFICATION

When a Special Event or parking attendant to such Special Event is partially or fully contained on City property, Applicant shall sign an agreement to indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

### 1.3425 SURETY BOND

- (1) When a Special Event is partially or fully contained on City property, a surety bond shall be deposited with the City in the amount of Ten Thousand Dollars (\$10,000.00) conditioned that no damage will be done to the City property, streets, sewers, trees, or adjoining property and that no paper, litter, or other debris will be permitted to remain upon the City property, streets or upon any private property by the Applicant. The surety bond shall be returned to the permittee within ten (10) days after said Special Event Permit expires upon certification by the City Manager that all conditions of this Section have been complied with. Should actual costs for policing and cleaning not exceed this amount, the remainder shall be refunded to the Permittee by the City. In the event that actual costs exceed this amount, the Permittee shall pay such additional sum to the City within ten (10) days from the date of notification. If that amount is not paid, no future permits shall be issued to the same Permittee for a period not to exceed two (2) years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the Permittee in addition to the bond. The Applicant shall have the right to show evidence why the bond should be lowered or waived by the City Manager. Appeals shall be heard by the City Council in accordance with provisions of subsection 1.3408.
- (2) When an Special Event is fully contained on private property, a sum in the amount of Five Hundred Dollars (\$500.00) shall be deposited with the City conditioned that no paper, litter, or other debris will be permitted to remain upon the site of the Special Event. The deposit shall be returned to the Permittee within ten (10) days after the Special Event Permit expires upon certification by the City Manager that all conditions of this ordinance have been complied with. Should actual costs for cleaning not exceed this amount, the remainder shall be reimbursed to the Permittee by the City. In the event that actual costs exceed this amount, the Permittee shall pay such additional sum to the City within ten (10) days from the date of notification. If that amount is not paid, no future Special Event Permits shall be issued to the same Permittee for a period not to exceed two (2) years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the Permittee in addition to the deposit. The Applicant shall have the right to show evidence why the deposit should be lowered or waived to the City Manager. Appeals shall be heard by the City Council in accordance with provisions of subsection 1.3408.

### 1.3426 POLICE PROTECTION; ADDITIONAL COSTS

- (1) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the Special Event for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the Special Event, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the Special Event. If additional police protection for the Special Event is deemed necessary by the Chief of Police, he shall so inform the Applicant for the Special Event Permit. The Applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police.
- (2) In the event the City Manager determines, upon a review of the Application, that a Special Event may require the special attention and involvement of City personnel or facilities, the City Manager shall so notify the Applicant. In such event, prior to the issuance of a Special Event Permit, the Applicant and the City Manager shall agree upon the cost of policing, and cleaning, and the closure of roads, and the Applicant shall pay that amount to the City upon application. Prior to the issuance of a Special Event Permit, the Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Special Event within five (5) days of the date upon which the City informs the Permittee of the amount of such additional costs. Should the Permittee not pay such additional costs, no future Special Event Permits shall be issued to the same Permittee for a period not to exceed two (2) years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the Permittee for recovery of such additional costs.

### 1.3427 OFFENSES AND PENALTY

- (1) A Person commits an offense if he commences or holds a Special Event without a Special Event Permit or with a Special Event Permit that has expired or been revoked.
- (2) A culpable mental state is not required for the commission of an offense under this section.
- (3) It is hereby determined that this section governs fire safety and public health and, therefore, any Person violating or failing to comply with any of the provisions of this section shall be subject to the penalty as provided for in section 1.601 of the City of Round Rock Code of Ordinances.

### 1.3428 APPLICATION OF SECTION; EXEMPTIONS

- (1) All Special Events, except those set forth in subsection (2) below must conform to all applicable provisions of this Section.
- (2) The following events are exempt from the provisions of this section:

- (a) events which require the approval or sanctioning of, or are officially sponsored by, the City, Round Rock Independent School District, Texas State University or Williamson County shall be exempted from obtaining a Special Event;
- (b) an event wholly contained on property specifically designed or suited for the event and which holds a certificate of occupancy for such use including adequate parking;
- (c) funeral processions;
- (d) Blockparties as defined in section 1.3501 of the Code of Ordinances of the City; and
- (e) Parades, as defined in section 1.3601 of the Code of Ordinances of the City.

(Ordinance No. G-05-02-24-8B1 of February 24, 2005)

## **SECTION 1.3500 BLOCKPARTIES**

### **1.3501 DEFINITIONS**

- (1) Applicant means a Person who has filed an application for a Street Closure Permit.
- \_\_\_\_\_ (2) Blockparty means a festive gathering on a local residential street requiring a closure of a street, or portion thereof, to vehicular traffic, and the use of the street for the festivity including barbecues, picnics, music or games.
- (3) City means the City of Round Rock, Texas.
- (4) Chief means Chief of Public Works Operations of the City or his designated representative.
- (5) Person means any individual, sole proprietorship, assumed named entity, partnership, association, corporation or organization.
- (6) Street means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular traffic.
- (7) Street Closure Permit means written approval from the Chief authorizing closure of a street.

### **1.3502 PERMIT REQUIRED**

It shall be unlawful for any Person to conduct a Blockparty without first having obtained a Street Closure Permit from the Chief.

### 1.3503 APPLICATION; FEE; FILING PERIOD; PETITION

- (1) All Persons seeking a Street Closure Permit shall file an application with the Chief upon forms provided by the City, which shall be accompanied with an application fee of Twenty-five Dollars (\$25.00). In appropriate circumstances, the Chief shall have the authority to lower or waive the fee.
- (2) Applications for a Street Closure Permit shall be filed not less than fifteen (15) days prior to the desired closure.
- (3) The application shall contain the following information:
  - (a) Name and location of the residential street to be closed;
  - (b) Name, address, and phone number of Person(s) requesting and desiring the street closure; and
  - (c) The date and time for the street closure; Blockparties must be held between the hours of 9:00 a.m. and 10:00 p.m.;
- (4) Included with the application shall be a petition, as furnished by the City, which shall contain the signatures of seventy-five (75) percent of adult owners or residents of the property abutting that portion of the street to be closed indicating their consent to the proposed street closure. For purposes of computing the above percentage, each lot or property parcel shall have only one (1) vote.

### 1.3504 ISSUANCE OF PERMIT

Upon submission, validation, and approval of the application and petition for Street Closure Permit and receipt of application fee, the Chief, subject to subsection 1.3505, shall issue a permit.

### 1.3505 DENIAL OF PERMIT, APPEAL

The Chief shall act upon a complete application for a Street Closure Permit within seven (7) days after the filing the Application. The Chief may deny a Street Closure Permit if in his opinion the closure of the street would cause significant disruption of the delivery of City or emergency services, a significant hardship to the citizens or a threat to public safety. If the Chief denies the Street Closure Permit, he shall mail Applicant a notice of this action stating the reasons for the denial of the Street Closure Permit. The Applicant may appeal to the City Council by filing a notice of appeal with the City Secretary within five (5) days after receipt of the notice of denial. The City Council shall hear the appeal as soon as practicable and its decision shall be final.

#### 1.3506 DURATION OF PERMIT

The Street Closure Permit granted under the terms of this Section shall not exceed six (6) hours. Another Street Closure Permit shall not be granted for the same location until at least 90 days have elapsed from the expiration of the previous Street Closure Permit.

#### 1.3507 BARRICADES

The Chief shall make arrangements with the Street Department to furnish and place barricades at the designated location at the appropriate time.

#### 1.3508 REVOCATION OF PERMIT

Nothing in this section shall prevent the Chief, the Chief of Police, or their designees from revoking a Street Closure Permit at any time before or during the Blockparty in the interest of public safety, health or welfare of the community as a whole.

#### 1.3509 OFFENSES

- (1) A Person commits an offense under this section if he:
  - (a) Commences or holds a private closure without a Street Closure Permit issued by the Chief or with a Street Closure Permit that has expired or been revoked; or
  - (b) Fails to comply with any of the requirements of this section or other ordinances or laws of the City or the state.
- (2) A culpable mental state is not required for the commission of an offense under this section.

#### 1.3510 PENALTY

Any Person found to be violating any term or provision of this Section, shall be subject to a fine in accordance with section 1.602 of the City Code of Ordinances for each offense. Each day a violation continues shall constitute a separate offense.

(Ordinance No. G-05-02-24-8B2 of February 24, 2005)

**SECTION 1.3600 PARADES****1.3601 DEFINITIONS**

- (1) Applicant means a Person who has filed a written application for a Parade Permit.
- (2) Chief of Police means the Chief of Police of the City of Round Rock, Texas, or his designated representative.
- (3) City means the City of Round Rock, Texas.
- (4) Parade means any assembly, march, demonstration, procession or motorcade upon public streets within the City consisting of three (3) or more persons, animals, or vehicles (or any combination thereof) with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon public streets.
- (5) Parade Permit means written approval from the Chief of Police or his designated representative for a Parade.
- (6) Permittee means the Person to whom a Parade Permit is granted pursuant to this Section.
- (7) Person means any individual, sole proprietorship, assumed named entity, partnership, association, corporation or organization.
- (8) Public Street means the entire width of the publically owned right-of-way.

**1.3602 PERMIT REQUIRED; EXCEPTIONS**

- (1) Required. No Person shall engage in, participate in, aid, form or start any Parade, unless a Parade Permit shall have been obtained from the City.
- (2) Exceptions. This section shall not apply to:
  - (a) Funeral processions.
  - (b) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities, and will not interfere with the normal movement of traffic.
  - (c) A government agency acting within the scope of its function.

**1.3603 FILING PERIOD**

- (1) An application for a Parade Permit shall be filed with the Chief of Police not less than fifteen (15) days nor more than ninety (90) days before the proposed Parade date.

- (2) Late applications, where good cause is shown and subject to the standards promulgated in section 1.3605, may be considered when filed after the deadline prescribed herein.

#### 1.3604 APPLICATION FOR PERMIT

- (1) A Person seeking issuance of a Parade Permit shall file an application with the Chief of Police on forms provided by the City, which shall be accompanied with an application fee of Fifty Dollars (\$50.00). In appropriate circumstances, the Chief of Police shall have the authority to lower or waive the fee.
- (2) The application for a Parade Permit shall set forth the following information:
- (a) the name, address, and telephone number of the Person seeking to conduct such Parade;
  - (b) if the Parade is to be held for or by an organization, the name, address, and telephone number of the headquarters of the organization, and the name and address of the authorized representative of such organization;
  - (c) if the Parade is to be held by or for any Person other than the Applicant, the Applicant shall file a written statement from that other Person showing authority to make the application;
  - (d) the name, address, and telephone number of the Person who will be the Parade chairperson and who will be responsible for its conduct;
  - (e) the date when the Parade is to be conducted;
  - (f) the time when such Parade will start and terminate, including the time at which units of the Parade will arrive in assembly area; Parades may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily;
  - (g) the location by streets of the proposed Parade route, the assembly area, the initial starting point and the disbanding area for the Parade. If the assembly area, starting point and/or disbanding areas are located on private property, the Applicant shall submit written permission for the holding of the activity from the owner or his authorized representative of the property;
  - (h) the proposed location for parking area. If the parking area is located on private property, the Application shall submit written permission from the owner or his authorized representative for allowing parking on the property;
  - (i) a statement as to whether the Parade will occupy all or only a portion of the width of the streets proposed to be used;
  - (j) the time at which units of the Parade will arrive at the assembly area;
  - (k) the interval of space to be maintained between units in the Parade;

- (l) the approximate number of participants in the Parade and, if applicable, the number and types of animals and vehicles or floats (including maximum height and length) which will constitute such Parade;
- (m) any sanitation facilities which may be needed to keep the Parade route and assembly areas clean and free from debris and waste;
- (n) a description of any public facilities or equipment needed for the Parade, including first aid stations or portable restrooms;
- (o) copies of permits and agreements with all City departments other than the Police Department shall be included with the application for the Parade Permit; and
- (p) any other information which the Chief of Police shall find necessary under the standards for issuance, hereinafter set forth in section 1.3605.

#### 1.3605 STANDARDS FOR ISSUANCE OF PERMIT

A Parade Permit will be issued if, upon review of the application, the Chief of Police finds that:

- (1) the Parade will not substantially interrupt the safe and orderly movement of other traffic near its route;
- (2) the Parade will not require the diversion of so great a number of police officers of the City to properly police the Parade and the adjacent areas, including parking areas, as to prevent normal police protection of the City;
- (3) the Parade will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to prevent these services to portions of the City other than that to be occupied by the proposed Parade route and adjacent areas;
- (4) the concentration of people, animals and vehicles at assembly points of the Parade will not unduly interfere with fire and police protection of, or EMS services to, areas near such Parade and assembly area;
- (5) the Parade will not interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (6) the Parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) the conduct of the Parade is not reasonably likely to cause injury to persons or property;
- (8) adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

- (9) there are sufficient parking places near the site of the Parade to accommodate the number of vehicles reasonably expected to be used in the Parade or the Applicant has made adequate arrangements for off-site parking and transfer of attendees and participants; and
- (10) the Applicant has secured the police protection, if any, required under section 1.3619.

#### 1.3606 CONTENTS OF PERMIT

Each Parade Permit shall state the following information:

- (1) starting and ending time, including assembly time and clean-up time;
- (2) minimum and maximum speed;
- (3) a description of the Parade route and any assembly or disbanding area(s);
- (4) maximum and minimum interval of space to be maintained between the units of the Parade;
- (5) the portions of the streets to be traversed that may be occupied by the Parade; and
- (6) such other information as the Chief of Police shall find necessary to the enforcement of this section.

#### 1.3607 APPLICANT PARKING REQUIREMENTS

- (1) Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of participants and attendees with a ten (10) percent surplus. If said parking is to be on private property adjacent to the Parade, written evidence that the Applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.
- (2) When adequate parking is not available at or immediately adjacent to the site of the Parade route, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

#### 1.3608 DUTIES OF PERMITTEE

A Permittee shall comply with all Parade Permit directions and conditions and with all applicable laws and ordinances.

### 1.3609 DENIAL OR REVOCATION OF PERMIT

- (1) The Chief of Police may deny a Parade Permit if:
  - (a) the Parade will conflict in time and location with another Parade or other Special Event for which a permit has already been granted;
  - (b) the Applicant fails to comply with or the Parade will violate an ordinance of the City or any other applicable law;
  - (c) the Applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a Parade Permit;
  - (d) the Applicant has been convicted of violating this Section or has had a Parade Permit revoked within the preceding twelve (12) months;
  - (e) the Applicant has previously failed to pay previous Parade fees or police protection charges;
  - (f) the Applicant fails to provide proof of a license or permit required by this Section or another City ordinance or by state law;
  - (g) the Parade, in the opinion of one (1) or more City departmental directors, would severely hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat;
  - (h) the Applicant is unable or unwilling to pay an additional costs as may be required by the Chief of Police;
  - (i) the Applicant fails to submit a complete application or fails to provide any additional information requested by the Chief of Police; or
  - (j) the proposed date or time for the Parade or the location of the Parade or parking for such Parade would substantially interfere or disrupt the educational activities of a school when such school is in session.
- (2) The Chief of Police shall have the authority to deny or revoke a Parade permit issued hereunder for failure to meet the standards for issuance as set forth in section 1.3605 above.

### 1.3610 NOTICE OF REJECTION; APPEAL TO CITY COUNCIL

The Chief of Police shall act upon an application for a Parade Permit within seven (7) days after the filing thereof. If the Chief of Police does not approve the application, he shall mail to Applicant a notice of this action stating the reasons for the denial of Parade Permit within three (3) days after the date of the denial. Any Person aggrieved shall have the right to appeal the denial of a Parade Permit to the City Council. The Council shall hear the appeal as soon as practicable and its decision shall be final.

#### 1.3611 ALTERNATIVE PERMIT

The Chief of Police, in denying an application for a Parade Permit, shall be empowered to authorize the Parade on a date, time, or over a route different from that named by the Applicant. An Applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate Parade Permit shall conform to the requirements of, and shall have the effect of, a Parade Permit under this section.

#### 1.3612 TENTS AND TEMPORARY STRUCTURES

Any Parade which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the City's Fire Code and Building Code except that a separate permit is not required when a Parade Permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the Fire Chief.

#### 1.3613 SANITARY FACILITIES

Portable type sanitary facilities may be required if determined to be necessary by the Chief of Police and Applicant shall be responsible for securing such facilities.

#### 1.3614 ANIMAL WASTE

Waste from animals used in any such Parade shall be removed immediately following the completion of such Parade. Should animals be kept within the City limits at night, they shall be kept not less than three hundred (300) feet from any developed residential or commercial districts.

#### 1.3615 WATER USAGE AND DISPOSAL OF WASTEWATER

- (1) Any Parade or related activity desiring use of water from the City water system must coordinate with the Utilities Department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the City.
- (2) Applicant shall submit a plan for the disposal of wastewater and the plan shall be approved by the Utilities Department.

#### 1.3616 WASTE COLLECTION AND SOLID WASTE DUMPSTER

Applicant shall be required to make arrangements for the collection of all waste resulting from such Parade and commercial solid waste dumpsters may be required if determined to be necessary by the Chief of Police. If required, Applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the City.

1.3617 LOUDSPEAKERS

When loudspeakers will be used in conjunction with the Parade, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 10:00 p.m. when a Parade Permit has been obtained. The Chief of Police may modify the time limit for use of such speakers when good cause is demonstrated by the Applicant. Any use of loudspeakers other than described shall first obtain the approval of City Council.

1.3618 CITY AUTHORITY OVER PARKING

The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the Parade route by posting signs to such effect. It shall be unlawful for any Person to park or leave unattended any vehicle in violation of the parking restrictions.

1.3619 POLICE PROTECTION; COSTS

- (1) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the Parade for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the Parade, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the Parade. If additional police protection for the Parade is deemed necessary by the Chief of Police, he shall so inform the Applicant for the Parade Permit. The Applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police.
- (2) In the event the Chief of Police determines, upon a review of the application, that a Parade may require the special attention and involvement of City personnel or facilities, the Chief of Police shall so notify Applicant. In such event, prior to the issuance of a Parade Permit, the Applicant and the Chief of Police shall agree upon the cost of policing and cleaning and the closure of roads, and the Applicant shall pay that amount to the City upon application. Prior to the issuance of a Parade Permit, the Applicant shall agree in writing to pay any additional costs to the City within five (5) days of the date upon which the City informs the Applicant of the amount of such additional costs.

1.3620 OFFENSES

- (1) A Person commits an offense under this section if he:
  - (a) Stages, presents, or conducts any Parade without first having obtained a permit as herein provided;

- (b) Participates in a Parade for which the Person knows a permit has not been granted;
  - (c) Knowingly fail to comply with any condition of the Parade Permit;
  - (d) Rides, drives, or causes to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the Parade Permit;
  - (e) Hampers, obstructs, impedes, or interferes with the Parade, except when reasonably required for the safe and orderly conduct of the Parade, or for the safety and welfare of the general public; or
  - (f) Drives between the vehicles or Persons comprising a Parade.
- (2) A culpable mental state is not required for the commission of an offense under this section.

1.3621 PENALTY

Any Person found to be violating any term or provision of this Section, shall be subject to a fine in accordance with section 1.602 of the City Code of Ordinances for each offense. Each day a violation continues shall constitute a separate offense.

(Ordinance No. G-05-02-24-8B3 of February 24, 2005)